

IMPROVING AMERICA'S SECURITY ACT OF 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 4, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 4) to make the United States more secure by implementing unfinished recommendations of the 9/11 Commission to fight the war on terror more effectively, to improve homeland security, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid amendment No. 275, in the nature of a substitute;

Collins amendment No. 277 (to amendment No. 275), to extend the deadline by which State identification documents shall comply with certain minimum standards; and

Bingaman-Domenici amendment No. 281 (to amendment No. 275), to provide financial aid to local law enforcement officials along the Nation's borders.

Mr. LIEBERMAN. Mr. President, this is the second day of our consideration of this important legislation that came out with a bipartisan vote of 16 to 0, with one abstention, from our Homeland Security and Governmental Affairs Committee. As its title makes clear, this bill is aimed at finishing the job, completing the mission the 9/11 Commission gave us to secure the American people while at home from potential terrorist attack post-9/11.

We had some good discussion in the opening day yesterday. We adopted by voice an amendment offered by the Senator from California, Senator FEINSTEIN, which improved the security elements of the so-called visa waiver program, and we adopted in rollcall votes two amendments by Senator DEMINT and another by Senator INOUE which would codify the existing regulatory framework that creates the Transportation Worker Identification Card, TWIC. This is the system by which, again post-9/11, we are doing things we never thought we would have to do. Then again, we never thought we would be attacked by terrorists at home, striking against civilians using elements of our own commercial society, in that case planes, to try to destroy us.

So here we are with these two amendments now that would codify the screening process by which we aim to assure that those working at our docks, and this will be extended more broadly over time to transportation sectors—there is a card now that exists for aviation-related facilities—to make sure that we have done some screening to see that the people who are now working behind the scenes or even in front of these transportation nodes, which have now in this age become potential targets of terrorists, will be people whom we have reason to trust with that now very sensitive responsibility.

We return to the bill this morning, and we are moving ahead. There are

several amendments that I know are being discussed. We have an amendment my ranking member, Senator COLLINS of Maine, filed regarding the so-called REAL ID Act that is pending. There are other amendments that are being discussed.

I would advise my colleagues and their staffs, if they are hearing this at this moment, that the floor is open. We gather that Senator SCHUMER and Senator MENENDEZ may be coming over with an amendment early this afternoon dealing with port security, but there is nothing before us now. If you have an amendment, this would be a good time to bring it over.

Mr. President, I note the presence of my friend and colleague from New Hampshire, Senator SUNUNU, on the floor, and I yield the floor to him at this time.

Mr. SUNUNU. Mr. President, I rise to speak about an issue that was raised by the amendment offered by Senator COLLINS to this homeland security bill dealing with the REAL ID Program, a program that is ostensibly designed to improve standards for security and eligibility for a driver's license. One of the recommendations of the 9/11 Commission, was that America needs to find a way to improve the issuance of driver's licenses, a process which takes place daily in States all across the country and produces a form of identification used for various purposes, in order to ensure that this system is as secure and consistent as it can possibly be.

I very much support those recommendations. In fact, in 2004, Congress sent to the President an intelligence reform bill that included a new, strong, well-defined process for improving those standards for security and eligibility, a negotiated rulemaking process, that brought the interested parties together.

Who are the interested parties? States that issue the driver's licenses, the motor vehicle departments we have all visited from time to time, the privacy advocates, the Department of Homeland Security, and other groups. All those entities that have a shared interest in improving the way driver's licenses are issued, improving the standards for eligibility, improving standards for security and verification so that fraudulent activity is more easily identified and prevented.

It was a good process, a sound process, but, unfortunately, as Senator COLLINS and others have pointed out in this debate, back in 2005, during a debate on an appropriation bill, there was a provision included that struck down this negotiated process, that cut the States out of the process, that superseded all those efforts and simply said to the Department of Homeland Security, the Federal Government, you decide the standards, you decide the criteria, and then simply require the States to comply.

In Washington "speak," that is called a big unfunded mandate, a man-

date from the Federal Government for the States to do something without any support of funds to actually implement the decision. It is never a good idea to impose such a stark unfunded mandate. Equally important, that kind of federalized process takes away an important responsibility that the States have historically had and I believe they should maintain.

We shouldn't be taking away the responsibility of the States to issue driver's licenses. We shouldn't be taking away the responsibility for managing this information. We want to make this a better process, we want to improve those standards, but we should not be cutting the States out and moving toward a national identity card system, which I think is fundamentally unnecessary.

Senator COLLINS, recognizing these flaws in the REAL ID Program, came forward with an amendment that at least moves us back toward a rulemaking that listens to the States, that listens to local stakeholders, that listens to the departments of motor vehicles across the country. I think at the end of the day that kind of an inclusive process will result in better standards that are less costly, that are more easily implemented, and that ultimately can be carried though more quickly than any unfunded Federal mandate ever could.

Senator AKAKA and I have introduced legislation to fully repeal the REAL ID Act and bring us back to the negotiated rulemaking that we had in 2004. I think that would be the best solution because the applicable provisions of that 2004 intelligence reform bill were well crafted, well thought out, supported by both the States and the Federal Government, and made great progress. But what Senator COLLINS has proposed, in delaying the implementation of these rules and bringing back State participants, privacy advocates, and other stakeholders, is certainly a step in the right direction. I very much hope the administration is committed and sincere in the statements they have made that they understand that States need to be a part of this process.

I support very much what Senator COLLINS is trying to do. I hope as our colleagues listen to this debate they recognize that improving security and eligibility standards for driver's licenses does not mean that we have to take rights and responsibilities away from the States. It does not mean that we have to create a national ID card. It does not mean that we have to have a national database on every driver in America. We can do these things in a way that respects the rights of States, that makes us all more secure, and that is consistent with the 9/11 Commission report.

I thank both the chairman and the ranking member for allowing me the time to speak. I certainly hope that we continue to proceed to adopt the Collins amendment or provisions similar

to the Collins amendment, and I will certainly continue to speak out on this issue with my colleagues, such as Senator AKAKA and Senator ALEXANDER and others, who recognized, not this year or last year but back in 2005 when this program was forced upon us, that REAL ID simply does not take America in the right direction.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, let me begin my comments this morning by commending the Senator from New Hampshire for his hard work and vigorous advocacy on this issue. He has been a very early voice, pointing out the unfairness of this unfunded mandate on the States, unfunded mandates that the National Governors Association estimates may cost \$11 billion over the next 5 years. He has also raised very important concerns about the privacy implications of some of the provisions of the REAL ID Act.

He was a strong supporter of the approach that we took in 2004 as part of the Intelligence Reform Act when we set up a negotiated rulemaking process which would bring all of the stakeholders to the table—State governments, Federal agencies, privacy advocates, technological experts—and clearly that would have been a far better way to proceed. The Senator from New Hampshire is one of the Senate's foremost advocates for privacy. He has brought that issue up, and his concerns about privacy and civil liberties, on other legislation such as the PATRIOT Act that has been before the Senate. I thank him for his leadership on this important issue.

I do have some good news to report to my colleagues about the pending regulations for the REAL ID Act. As many of my colleagues are aware, one of the problems that the States have had is the Department of Homeland Security had yet to issue the regulations giving States the detailed guidance on how to comply with the REAL ID Act. This is a major problem for the States because of the looming deadline of May of next year by which time they are supposed to be in full compliance with the law, despite the fact that the regulations had not been issued. It was that concern, the long delay by the Department, the cost and the complexity of the task, and the privacy and civil liberty implications that led several of us to come together and offer an amendment that would have a 2-year delay in compliance with the REAL ID Act.

I am pleased to inform my colleagues that as the result of some rather spirited negotiations with the Department of Homeland Security that the Department will announce later today regulations that would give any State that asks an automatic, virtually, 2 years—it could be more than 2 years in some cases—but a 2-year delay in the requirement to comply with the REAL ID Act. This is significant progress. The Department has finally recognized

that it simply was unfair to impose this burden on the States, to set such an unrealistic compliance date when the Department had failed to issue the regulations. So the Department will be announcing today that any State that seeks an additional 2 years to comply with the regulations will be granted that extension. This is major progress.

In addition, the Department will announce that it will reconvene the members of the negotiated rulemaking committee that was established by the 2004 Intelligence Reform Act and subsequently repealed by the REAL ID Act to come together and to comment on the Department's regulations. Again, this reflects a major principle in the Collins amendment: that we should have a 2-year delay to allow for additional compliance time but that we should also reconvene the negotiated rulemaking committee, the committee that is comprised of State officials—in fact, Maine's own secretary of state was one of the officials on the committee—and privacy experts, technological experts, all the stakeholders would be reconvened to formally review the proposed regulations and provide the Department with the benefit of this committee's insight.

That is what should have happened in the first place but, certainly, given where we are now, this is another very positive step that the Department is taking. It reflects the principles in the amendment that I and others offered yesterday. It is obvious that the pending amendment provided a great deal of impetus for the Department to undertake these revisions in the proposed regulations.

These two major concessions by the Department—the extension for compliance and the reconvening of the negotiated rulemaking committee—are major steps forward, but they do not solve all of the issues and all of the problems with the REAL ID Act, the biggest of which is the huge cost of compliance. Along with Senator ALEXANDER and others—Senator SUNUNU, Senator CARPER, Senator AKAKA, and others who had been active on this issue—I am pledging today to continue to work very closely with our State leaders and with the Department of Homeland Security to calculate what the actual costs of compliance are going to be—that is going to be easier to do now that the regulations are finally being issued—and to work to try to find some funding to assist States with the cost of compliance.

To date, Congress has only appropriated about \$40 million to help the States comply with the REAL ID Act, and the Department, I am told, has only allocated about \$6 million of that \$40 million. So there is some additional money in the pipeline, but if in fact the cost is as high as the National Governors Association and the National Conference of State Legislatures estimate, that \$40 million is a drop in the bucket. The 5-year cost estimated by the NGA is \$11 billion. Clearly, if the

costs do prove to be in that neighborhood, if they are that high, we have an obligation to come forward and assist the States in the cost of compliance. It can be a shared responsibility, but surely, since we imposed the mandate, we should be providing some of the funding that is needed.

I am very happy the amendment that I and several of our colleagues have offered has prompted the Department to take a second look at its regulations, to realize that it was simply unreasonable to expect the States to comply by May of next year when the Department has been so tardy in issuing the regulations. And I am pleased that the Department has changed its mind. I thank Secretary Chertoff for working closely with me and for listening to all of us who were raising these concerns—that it was simply unreasonable to expect States to be in full compliance by May of next year when they did not have the detailed guidance from the Department.

I am also very pleased the Department is going to reconvene the negotiated rulemaking committee members. That will give the Department further input and insights and improve the quality of the final regulations.

There is still much work to be done, particularly in the funding area, but this is certainly great progress, a welcome development, and a major step forward by the Department. I again thank Secretary Chertoff for working so closely with me.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I congratulate Senator COLLINS for her leadership and for having created a context in which the administration now has come forward, finally, with the regulations pursuant to the so-called REAL ID Act, which does create some flexibility for States to comply with the requirement but also doesn't eliminate it because it is an important one. This is in the nature of this glorious governmental system of ours, the wisdom of the Founders more than two centuries ago to create the checks and balances. The legislature acts, Congress acts, the executive branch begins to work on implementation, States—this could actually be a textbook. Incidentally, I said to my friend I cannot say enough that it was my honor, too many years ago, in teaching a course at Yale to have the current occupant of the chair, the Senator from Ohio, Mr. BROWN, as my student. He learned very well. He taught me a lot, actually, as time went on. This sounds like we are back in the classroom talking about the relationships in government.

It was, I believe, the advocacy of Senator COLLINS that produced a reasonable result without the need for a specific legislative action. I do want to go back and set this in context because the overall purpose is a critically important one to the quest for homeland security. The 9/11 committee found that all but one of the 9/11 hijackers,

the terrorists who attacked us that day, obtained American identification documents, some—I hate to use the word, but—legally, which is to say they complied with the requirements for that identification, and then some others by fraud. The 9/11 Commission recommended that the Federal Government set standards for the issuance of driver's licenses and identification cards.

Driver's licenses are the most commonly used form of personal identification by people in this country. For a long time, what was identification about? It was simply that—maybe for credit purposes, maybe to get into a facility. Now identification is loaded with tremendous implications for security and abuse that go beyond financial fraud, which is what we were primarily concerned about before.

The 9/11 Commission made this recommendation for national standards for driver's licenses and other forms of ID cards. They saw it as important to protecting the Nation against terrorism post-9/11 because often—it is very important to think about this—ID cards are the last line of defense against terrorists entering controlled areas such as airplanes or secure buildings. Obviously, it is important that we know exactly who those people are, that they are what the card says they are, and that they haven't obtained that card through fraud.

In 2004, as part of the legislative effort successfully completed to adopt the proposals of the 9/11 Commission and put them into law, Senator COLLINS, Senator MCCAIN, and I drafted provisions to implement this recommendation of the 9/11 Commission. I am pleased to say that we did so with input from both sides of the political aisle and all interested constituencies to increase security for issuing driver's licenses. Our language was endorsed by State and local governments, by the administration, and by a range of immigration, privacy, and civil liberties advocacy groups. In fact, our provisions to create national standards for State issuance of driver's licenses were enacted into law as part of the 2004 intelligence reform legislation.

In 2005, beginning in the other body, so to speak, the House of Representatives, the REAL ID Act was included in a supplemental appropriations bill providing emergency funding for our troops. The REAL ID Act repealed the provisions I have spoken of that Senator COLLINS, Senator MCCAIN, and I and others had put into the 9/11 legislation the previous year. In place of what I still believe was our workable and balanced program, which would have achieved the aims the 9/11 Commission gave us, the REAL ID Act imposed very difficult and, in some cases, unrealistic and, of course, unfunded requirements on States to verify identification documents by plugging into a series of databases that require technological changes that are expensive and, as is happening right now, delaying the

actual implementation of a national set of standards which would have guaranteed us that driver's licenses and other ID cards are more secure.

The fact is, REAL ID obviously, if it did not have this escape valve opened up as a result of Senator COLLINS' work, would slow down the issuance of driver's licenses to everyone and, I fear, might even increase the risk of identity theft. Notwithstanding that, if I had my druthers, as they used to say, I would go back to the provision we had in the original 9/11 legislation, but we are not there. The REAL ID Act is law, and it is beginning to be implemented.

The most important thing we can do is not pull away from the goal which remains critically important to our national security in the war against the terrorists who attacked us on 9/11 and want to do it again; that is, to make sure our driver's licenses and other forms of identity are tamper-proof and real.

We have now struck a balance, with the initiative of Senator COLLINS and others and the response of the Department of Homeland Security this morning. We still have the goal, and we are going to implement it in a more balanced and reasonable fashion. But it is critically important not to move away from the goal. The goal is fundamental to the security of each and every American. Yes, it is going to be a little harder to get the driver's license but not a lot harder. What it is going to mean to everybody is that we can feel more secure when we get on a plane, when we go into a secure building, when we just move about enjoying the freedom and way of life we are blessed to enjoy as Americans.

I thank Senator COLLINS for her leadership and the good result. I remind colleagues that the floor is open for business. We welcome amendments.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 291 AND 292 TO AMENDMENT NO. 275, EN BLOC

Mr. SUNUNU. Mr. President, I have two amendments at the desk. I ask unanimous consent that the pending amendment be set aside and that the two amendments I have at the desk be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SUNUNU] proposes amendments numbered 291 and 292 en bloc to amendment No. 275.

Mr. SUNUNU. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 291

(Purpose: To ensure that the emergency communications and interoperability communications grant program does not exclude Internet Protocol-based interoperable solutions)

On page 121, between lines 2 and 3, insert the following:

“(k) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or interpreted to preclude the use of funds under this section by a State for interim or long-term Internet Protocol-based interoperable solutions, notwithstanding compliance with the Project 25 standard.”.

AMENDMENT NO. 292

(Purpose: To expand the reporting requirement on cross border interoperability, and to prevent lengthy delays in the accessing frequencies and channels for public safety communication users and others)

On page 361, between lines 13 and 14, insert the following:

(c) INTERNATIONAL NEGOTIATIONS TO REMEDY SITUATION.—Not later than 90 days after the date of enactment of this Act, the Secretary of the Department of State shall report to Congress on—

(1) the current process for considering applications by Canada for frequencies and channels by United States communities above Line A;

(2) the status of current negotiations to reform and revise such process;

(3) the estimated date of conclusion for such negotiations;

(4) whether the current process allows for automatic denials or dismissals of initial applications by the Government of Canada, and whether such denials or dismissals are currently occurring; and

(5) communications between the Department of State and the Federal Communications Commission pursuant to subsection (a)(3).

Mr. SUNUNU. Mr. President, I offer this morning two amendments that expand on the work we did in the Commerce Committee dealing with the implementation of September 11 recommendations; in particular, in the area of interoperability, meaning, quite simply, the continued effort of State, local, and Federal law enforcement to put in place communications systems that work reliably, effectively, robustly, and that work effectively with one another.

The first amendment deals with the grant programs which have been established in law already and which are expanded under the legislation before us. Those grant programs support the purchase of equipment to expand and improve our interoperability for homeland security purposes. It is essential that we make sure that to the greatest extent possible, we look at all available technologies for meeting these goals—in particular, we make sure we don't preclude any funding from going to the Internet-based or IP-enabled services and software and communications systems that are more and more a part of our daily lives. Members of the Senate are often seen roaming the hallways of the Capitol with their Blackberrys, for example. More and

more, these devices operate like a Palm or a Treo, using IP-enabled systems. These systems are improving. They are getting more robust. They are becoming ever more reliable.

The language I offer today simply states that those IP-enabled technologies which can help improve interoperability should not be precluded from receiving funds under any of the grant programs in this legislation. We have such language already that applies to the NTIA which is under the jurisdiction of the Commerce Committee, but I want to make sure that language is included throughout the bill. I don't think we should be picking technological winners and losers, but we want to make sure some of the most promising technologies out there at least are put on a level playing field with older alternatives.

The second amendment I offer deals with the issue of cross-border interoperability, which simply means communications in areas of the country where we border a foreign country. The northern part of the country—New Hampshire, Maine, Vermont, New England States—shares a border with our neighbor Canada, and there are certainly issues in the southern part of the country with our neighbor Mexico. But there are always questions about awarding or distributing spectrum channels for communication that would be used by State or local homeland security or law enforcement issues in those border areas because we don't want to engage in policies that unnecessarily interfere with the efforts of the communication of our foreign neighbors. Unfortunately, there have been a lot of delays in making spectrum available in those cross-border areas.

We have language again in part of the bill that I included in the Commerce Committee that applies to the FCC to look at the issues associated with awarding spectrum for cross-border interoperability, to find out why there have been delays, find out what can be done to accelerate this process, so in those parts of the country that are affected by cross-border interoperability, we can serve law enforcement effectively. We have some reporting requirements to look at this issue within the FCC.

My second amendment would extend that language to ask the State Department, which has obvious responsibility in maintaining and improving our relations with foreign countries, to also look at these questions.

So these are the two amendments. They expand on work that was accepted in a broad, bipartisan consensus in the Commerce Committee. I hope my colleagues will have an opportunity today to look at these amendments. I sincerely ask for their support.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I thank my friend from New Hampshire.

These sound like two very constructive, sensible amendments. We will take a look at them and be in touch with him. But I am optimistic we will want to support these amendments. They improve the basic architecture of the bill, and particularly in the critical area of establishing programs of Federal support for the first time that will enable States and localities, consistent with a plan—not just willy-nilly but consistent with a plan—to finally make communications interoperable so our first responders can talk to one another in times of crisis.

I thank my friend from New Hampshire for his initiative.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I want to let the Senator from New Hampshire know we are reviewing his two amendments. Based on what he told me, I, too, am inclined to agree to them, and I will be working with the Senator from New Hampshire and the Senator from Connecticut to try to get the two amendments cleared.

I certainly appreciate, coming from a border State, the concerns the Senator from New Hampshire has about U.S.-Canadian issues that might affect interoperability of communications equipment. That has been an issue for us in Maine as well.

I look forward to working with him.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 277

Ms. COLLINS. Mr. President, shortly, I am going to ask unanimous consent to withdraw the Collins amendment No. 277, which is cosponsored by Senators ALEXANDER, CANTWELL, CARPER, CHAMBLISS, MIKULSKI, MURKOWSKI, and SNOWE. It also has received support from Senator SUNUNU this morning, who was very eloquent in his comments about the implementation of the REAL ID Act.

I ask to withdraw my amendment in light of the tremendous progress we have been able to make with the Department of Homeland Security over the last 24 hours in convincing the Department to modify the regulations which it is releasing today to allow about 2 years of additional time for compliance with the REAL ID mandates and also to reconvene the negotiated rulemaking committee to take a look at those regulations and provide their insights and input to the Department so the Department can take them into account in issuing the final regulations.

Now, I consider this to be tremendous progress. It is a very welcomed development. The Department's actions

reflect the two primary objectives I outlined yesterday for my amendment: first, to give the Federal Government and States the time and flexibility needed to come up with an effective system to provide secure driver's licenses without unduly burdening the States and, second, to involve experts from the States, from the technology industry, as well as privacy and civil liberty advocates—to bring them back to the table and give them a chance to work on these regulations and to improve them.

I am very pleased to say over the course of the past week our amendment has received a great deal of support from a number of sources. The National Governors Association praised our amendment for providing States:

a more workable time frame to comply with federal standards, ensure necessary systems are operational and enhance the input states and other stakeholders have in the implementation process.

The American Federation of State, County and Municipal Employees, in a letter to all Senators that was sent on February 27, said:

We strongly urge you to support an amendment offered by Senator COLLINS that would delay implementation of requirements under the REAL ID Act. . . .

The letter goes on to outline the organization's concerns about the costs to States, the capacity for States to meet the REAL ID requirements, and privacy issues and concludes:

The Collins amendment provides the opportunity to address these matters.

Similarly, the National Conference of State Legislatures, the NCSL, with which we have worked very closely, in a statement on February 20, said this legislation would help "address state concerns over the Real ID Act. . . ."

To this support has been added the voices of Senator ALEXANDER, Senator CHAMBLISS, Senator SUNUNU, and cosponsors on both sides of the aisle. One of the very first cosponsors is a former Governor who understands very well the implications for States of complying with the REAL ID Act. That individual is Senator CARPER of Delaware.

So we have been able to build a broad bipartisan coalition, and that gave us the strength to prompt the Department of Homeland Security to make the changes as a result of recent, extended discussions with the Department. As a result, we can now say the primary concerns we have addressed with our amendment have been addressed in the Department's proposed regulations.

In the regulations being announced this morning, the Secretary of Homeland Security will commit to granting a waiver to any State that asks for it through December 31 of 2009. States will not be required to make a complicated case for the waiver. The Secretary has recognized the delay in the Department's promulgation of the draft regulations is reason enough to give States an additional 2 years before they need to begin producing REAL ID-

compliant driver's licenses. I am pleased the Department has taken this step.

In addition, the Department has agreed, as I have mentioned, to invite the members of the negotiated rule-making committee—which was created by the 2004 Intelligence Reform Act, and subsequently repealed by the REAL ID Act, just when they were making great progress—to come to the Department and discuss, in person, their specific concerns about the regulations. The provisions announced today are in line with the need for more time and the inclusion of all interested parties that were the two primary goals of our amendment. These provisions, of course, are part of a much larger regulation that will take us time to review, to consult with the States on, and to comment on. I am going to follow closely the whole notice and comment period. I am sure I will be suggesting changes to the regulations, and I will be working closely with the negotiated rulemaking committee to make sure the regulations are modified further down the line.

I am under no illusions that there are not further issues which need to be addressed about the REAL ID Act. We must look closely at the concerns that privacy advocates have raised about potentially having interlocking databases among the States so that information is shared. There are a lot of questions, such as who would have access to that information, how secure it would be, and how correct it would be. There is a lot of work to be done.

Most of all, we need to get an accurate estimate of how much this program is going to cost the States and how we can help them bear those costs. This does remain a huge unfunded Federal mandate on our States. The NGA, as I have said several times, has estimated the cost at \$11 billion over the next 5 years. That is an enormous burden for States to bear.

We also have to determine if the technological demands that will be imposed on States by these regulations are, in fact, feasible. But I am very pleased to note that our efforts with the Department have achieved the goals that we set out in offering our amendment. There is further work to be done on the REAL ID Act, but we certainly have made tremendous progress over the past 24 hours.

I thank all of the cosponsors of the bill: Senators ALEXANDER, CARPER, CANTWELL, CHAMBLISS, SNOWE, MIKULSKI, and MURKOWSKI for their strong, bipartisan support, and I thank all of the outside organizations, including the Governors and the State legislatures, who have worked so closely with us. I hope we will continue our partnership as we make real progress in improving the REAL ID Act.

AMENDMENT NO. 277 WITHDRAWN

Mr. President, at this time, recognizing the tremendous progress we have made, I ask unanimous consent that amendment No. 277 be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, again, I congratulate Senator COLLINS for having achieved the purpose of her amendment without having to put it formally on the bill, and I look forward to seeing the Department move ahead in a more cooperative way with the States to achieve the purposes that the 9/11 Commission set out, which is to make the ID cards more secure to protect the rest of us Americans from those who would abuse those identity cards. It is a great accomplishment for my friend from Maine.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. HATCH. Mr. President, today I rise to voice my strong opposition to section 803 of S. 4 and urge my colleagues to join me in advocating its removal from this important piece of legislation.

What is section 803? This provision would permit TSA's transport security officers, our Nation's airport security screeners, to engage in collective bargaining, a change that was not among the recommendations of the 9/11 Commission. Let me repeat that: it was not among the recommendations of the 9/11 Commission.

At first, some may look at it and say: Why not? The professionals at TSA are Federal employees. As such, they cannot strike. They can already join a union, so why not permit collective bargaining?

As a former union member and one who believes in collective bargaining as a general rule, I can see why many believe that such a request is reasonable. Unfortunately, as much in life is, the devil is in the details.

The fact remains that we as a nation are at war. Through the hard work and dedication of our Armed Forces and civil servants such as those at TSA, our Nation has, so far, been spared further tragedies such as those that occurred on September 11, 2001. However, our past success must not lull us into a false sense of security. Those who wish to undermine and even destroy Western civilization have been beaten back but still remain a potent adversary. Al-Qaida is a sophisticated enemy which searches for our weaknesses and attempts to devise ways to exploit our vulnerabilities. The surest way to play into their hands is to act in a "business as usual" manner. In order to defeat this enemy, we must be nimble, we must constantly change our tactics

and strategies, and we must be flexible and unpredictable.

That is why the American people demanded that we create the TSA. The people saw that our Nation required a professional Government agency whose primary purpose is to keep the traveling public safe, an agency that consists of experts who can identify terrorists and their plots before they board an aircraft or other mode of transport.

So what has this to do with the ability of TSA employees to engage in collective bargaining? If one looks at the details, it has everything to do with TSA's ability to keep several steps ahead of the terrorists. We all know one of the central aspects of any collective bargaining agreement is setting the conditions by which an employee works. When a person works, where they work, and how they work are matters which are open to negotiation. Obviously, efficiency and productivity, for better or worse, can be dramatically affected by a collective bargaining agreement.

So how would this affect TSA's operations? One must remember the events of this past summer. In August, the security services of the United Kingdom discovered a well-organized conspiracy that reportedly sought to blow up commercial aircraft in flight using liquid explosives disguised as items commonly found in carry-on luggage. Within 6 hours, due to their professionalism and the current flexibility of their work structure, TSA's Transportation Security Officers were able to make quick use of this highly classified information and train and execute new security protocols designed to mitigate this threat. In six hours that is impressive.

In contrast to this history of success and impressive performance, the possibility of collective bargaining only raises questions and uncertainties. For example, should the Government have to bargain in advance of what actions it can or cannot take when dealing with an emergency situation? If so, how would we know what to bargain for? Remember, before the events of September 11, what rational person would have thought of using a commercial aircraft as a suicide bomb? What other heinous act might occur that we have not contemplated? Remember, this is an enemy that uses surprise.

Other questions come to mind. If timely intelligence is gathered that requires an immediate change in TSA's operation, does the Government have to inform a private entity such as the union? Do we not wish to preserve the maximum level of flexibility not only to catch terrorists but to provide a secure situation where the business of the Nation can continue unmolested?

Another example of the flexibility of the current system can be found during this winter's snow storms in Denver. Local TSA officials were overwhelmed by the influx of stranded and newly arriving passengers. The agency responded by deploying 55 officers from

the mountain State region, including, I am proud to say, my own home State of Utah, so that security screening operations were able to continue around the clock until the situation was resolved. Under collective bargaining, redeployments such as this could be hindered by red-tape and cumbersome procedures, greatly reducing the ability of TSA to respond efficiently and effectively to these eventualities.

It also raises the question, under a collective bargaining agreement, whether redeployment decisions might be subject to seniority rules rather than sending individuals with the proper skills. Is deployment subject to binding arbitration? If so, what effect will that have during emergencies?

Bureaucratic hurdles preventing the TSA from operating efficiently and effectively during a time of war are not the only problems created by section 803. The provision also would create an unacceptable drain of resources away from the TSA's primary mission, which is protecting the traveling public. Resources would be diminished because of the cost to implement and execute a collective bargaining agreement.

TSA estimates if this section were enacted, it could cost, in the first year alone, \$175 million. Why? The agency would be forced to train its employees on union issues and employ labor relations specialists, negotiators, and union stewards. One must also remember that these funds will have to come out of the Department of Homeland Security's budget, a budget which is consistently criticized as being too small by my colleagues on the other side of the aisle.

So what do the taxpayers lose for that \$175 million? Such a reduction in funding is the same as a loss of 3,815 transportation security officers, or 11.5 percent of the total workforce. It also equates to closing 273 of the 2,054 active screening lanes, which would be 12 percent of the current lanes. In terms that most of the frequent flyers in this body would understand, the loss of capacity to screen 330,000 passengers every day. Imagine that line.

This is not to say that TSA employees should bear an unfair burden. Far from it. TSA employees, and especially transportation security officers, should be afforded just compensation and the safest possible working conditions. Some who advocate collective bargaining say transportation security officers have not been given a raise in four years. That is not accurate. TSA's pay scheme is based upon technical competence, readiness for duty, and operational performance. Accordingly, in 2006, TSA paid out over \$42 million in pay raises and bonuses based upon job performance.

If a transportation security officer has a complaint, a grievance, or does not believe he or she has been paid properly, these are addressed through the agency's Model Workplace Program, where employees and managers form councils to address those concerns.

This does not mean that employees' due process protections for the resolution of employment issues have been sacrificed. Transportation Security Officers can seek relief from the TSA's Ombudsman Office and Disciplinary Review Board or from outside Government agencies such as the Equal Employment Opportunity Commission.

Another misconception is that transportation security officers do not have whistleblower protections. As a result of a formal memorandum of understanding between TSA and the U.S. Office of Special Counsel, all Transportation Security Officers now have this protection.

Others in favor of collective bargaining point to the Transportation Security Officers' attrition rate. Initially, this was a problem. However, the agency has addressed and is continuing to address this issue. I am pleased to report that the Transportation Security Officers' voluntary attrition rate of 16.5 percent is lower than comparable positions in the private sector, which are estimated at 26.4 percent.

Injury rates are decreasing.

The agency has worked hard to reduce lost time claims by 44 percent. Just in 2006, injury claims resulting in lost workdays have been reduced by 32 percent. This is not luck but part of a comprehensive strategy to look after the well-being and safety of transportation security officers. These safety initiatives include providing a nurse case manager at each airport, utilizing optimization and safety teams to create ergonomic work areas to reduce lifting and carrying heavy bags, and an automated injury claims filing process.

Another question some ask is, Since Customs and Border Protection Agents are permitted to engage in collective bargaining, why not Transportation Security Officers? However, when Congress created the TSA, the goal was to create a new organization that would meet the unique needs of our War on Terrorism—a modern organization that would have the maximum flexibility to protect the national security of the United States. This, of course, is the same charter as the FBI, CIA, and Secret Service. These agencies do not permit collective bargaining for this and other reasons.

Should we hold the TSA to a different standard despite the fact that securing our transportation systems is one of the most vital roles our Government can play? Is TSA perfect? No, of course not. But look at what has been achieved. Five years ago, TSA did not exist, and now we can all take pride in the agency and more importantly in its personnel who have done such a remarkable job in keeping our Nation safe. They deserve our respect, our thanks, and they deserve fair compensation. But in doing so, we must not undermine one of their greatest weapons in this war—their flexibility to change tactics and strategies at a moment's notice. Such a course of action

could have a calamitous effect on our Nation.

Mr. President, as I previously mentioned, in general, I am a supporter of collective bargaining. However, in these times, we must not change a policy that could inadvertently jeopardize the lives of Americans.

I urge my colleagues to remove this section from the bill.

I see the distinguished Senator from Alaska is here, and I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank my colleagues, Senators LIEBERMAN and COLLINS, for working with the Commerce Committee to include important security measures in this bill. I am grateful to my great friend, Senator INOUE, for his willingness to work in our committee on a bipartisan basis to develop and report these measures.

In the 5½ years since the horrific events of September 11, we have made many good improvements in the security of our Nation's transportation infrastructure and ensuring communications interoperability. Our job, however, is far from over, for there are still more improvements to be made and gaps to close. In matters of security, we cannot become complacent; as our enemies adapt, so must we.

The Commerce Committee's aviation and surface transportation legislation, which has been included in S. 4, will significantly enhance the ability of the Department of Homeland Security and the Transportation Security Administration to fulfill their missions. These provisions were developed by the Commerce Committee while mindful of the delicate balance between implementing tough security measures and the effects such regulations may have on the Nation's economy and the movement of goods.

The aviation provisions incorporated in S. 4 were reported by our Commerce Committee on February 13 as S. 509, the Aviation Security Improvement Act of 2007. The provisions incorporate aviation-related 9/11 Commission recommendations and provide TSA with additional tools to carry out its layered approach to security. To do this, the aviation security provisions dedicate continued funding for the installation of in-line explosive detection systems utilized for the enhanced screening of checked baggage at our Nation's airports.

We all recognize the importance of screening 100 percent of cargo transported to and within the United States. Last year, in the Safe Port Act, Congress acted to ensure that all cargo arriving in the United States by sea is screened. In S. 4, we ensure that 100 percent of air cargo also is screened. The U.S. air cargo supply chain handles over 50,000 tons of cargo each day, of which 26 percent is designated for domestic passenger carriers.

Screening is of particular importance in Alaska. Anchorage, my home, is the

No. 1 airport in the United States for landed weight cargo, and it is No. 3 in the world for cargo throughput. Our provision would require TSA to develop and implement a system to provide for screening of all cargo being carried by passenger aircraft.

To address ongoing concerns about passenger prescreening procedures, the legislation requires the Department of Homeland Security to create an Office of Appeals and Redress to establish a timely and fair process for airline passengers who believe they have been misidentified against the "no-fly" or "selectee" watchlists.

TSA's layered approach to security relies not only upon equipment and technological advances but also upon improved security screening techniques employed by TSA screeners as well as the use of very effective canines. This legislation calls for TSA's National Explosives Detection Canine Team to deploy more of these valuable resources across the Nation's transportation network.

The bill we are considering also contains the provisions of S. 184, the Surface Transportation and Rail Security Act of 2007, which was also developed and reported on a bipartisan basis by our Commerce Committee. While the aviation industry has received most of the attention and funding for security, the rail and transit attacks in Britain, Spain, and India all point to a common strategy utilized by terrorists. The openness of our transportation system, our surface transportation network, presents unique security challenges. The vastness of these systems requires targeted allocation of our resources based upon risk.

Most of the surface transportation security provisions in the bill before the Senate today have been included previously as part of other transportation security bills introduced by Senator INOUE, Senator MCCAIN, and myself. Many of the provisions in the substitute amendment passed the Senate unanimously last year as well as in the 108th Congress. Each time, however, the House of Representatives did not agree to the need to address rail, pipeline, motor carrier, hazardous materials, and other over-the-road bus security. The time has come to send these provisions to the President's desk. We are hopeful that the House will agree this time.

The substitute also contains provisions of the Commerce Committee's reported measure, S. 385, the Interoperable Emergency Communications Act. Since 2001, we have heard the cries of public safety officials that the police, firefighters, and emergency medical response personnel throughout the country need help in achieving interoperability. With this \$1 billion program which helps every State, public safety will be able to move forward with real solutions and begin addressing the problems that have plagued our Nation's first responders for too long. The legislation addresses all of the public

safety issues which have been brought to the attention of the committee. It also includes \$100 million to establish both Federal and State strategic technology reserves to help restore communications quickly in disasters equal in scale to Hurricanes Katrina and Rita.

We should not politicize national security. The Commerce Committee's initiatives included in this bill are very important, and I urge their adoption.

Again, I appreciate very much the cooperation of the Homeland Security and Governmental Affairs Committee. We achieved the reported bills I mentioned from the Commerce Committee because of the bipartisanship in our committee. I hope this debate on this important bill before the Senate will continue in that same spirit. The American people really expect and deserve nothing less.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 298 TO AMENDMENT NO. 275

Mr. SCHUMER. Madam President, I ask unanimous consent that the pending amendment be set aside, that I be allowed to offer and speak on my amendment, and that Senator MENENDEZ be permitted to speak after I do. I send the amendment to the desk.

The PRESIDING OFFICER. Is there objection?

Ms. COLLINS. Madam President, reserving the right to object, I ask that the Senator amend his unanimous consent request so we can go back and forth on his amendment. I suggest that after he speaks, I be recognized, then Senator MENENDEZ, then Senator COLEMAN, and that we go back and forth on the amendment.

Mr. SCHUMER. I have no objection.

The PRESIDING OFFICER. Does the Senator so modify his request?

Mr. SCHUMER. I do.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. MENENDEZ, proposes an amendment numbered 298 to amendment No. 275.

Mr. SCHUMER. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strengthen the security of cargo containers)

On page 377 insert after line 22, and renumber accordingly:

TITLE XV—STRENGTHENING THE SECURITY OF CARGO CONTAINERS

SEC. _____. DEADLINE FOR SCANNING ALL CARGO CONTAINERS.

(a) IN GENERAL.—The SAFE Port Act (Public Law 109-347) is amended by inserting after section 232 the following:

"SEC. 232A. SCANNING ALL CARGO CONTAINERS.

"(a) REQUIREMENTS RELATING TO ENTRY OF CONTAINERS.—

"(1) IN GENERAL.—A container may enter the United States, either directly or via a foreign port, only if—

"(A) the container is scanned with equipment that meets the standards established pursuant to sec. 121(f) and a copy of the scan is provided to the Secretary; and

"(B) the container is secured with a seal that meets the standards established pursuant to sec. 204, before the container is loaded on a vessel for shipment to the United States.

"(2) STANDARDS FOR SCANNING EQUIPMENT AND SEALS.—

"(A) SCANNING EQUIPMENT.—The Secretary shall establish standards for scanning equipment required to be used under paragraph (1)(A) to ensure that such equipment uses the best-available technology, including technology to scan a container for radiation and density and, if appropriate, for atomic elements.

"(B) SEALS.—The Secretary shall establish standards for seals required to be used under paragraph (1)(B) to ensure that such seals use the best-available technology, including technology to detect any breach into a container and identify the time of such breach.

"(C) REVIEW AND REVISION.—The Secretary shall—

"(i) review and, if necessary, revise the standards established pursuant to subparagraphs (A) and (B) not less than once every 2 years; and

"(ii) ensure that any such revised standards require the use of technology, as soon as such technology becomes available—

"(I) to identify the place of a breach into a container;

"(II) to notify the Secretary of such breach before the container enters the Exclusive Economic Zone of the United States; and

"(III) to track the time and location of the container during transit to the United States, including by truck, rail, or vessel.

"(D) DEFINITION.—In subparagraph (C), the term 'Exclusive Economic Zone of the United States' has the meaning provided such term in section 107 of title 46, United States Code.

"(b) REGULATIONS; APPLICATION.—

"(1) REGULATIONS.—

"(A) INTERIM FINAL RULE.—Consistent with the results of and lessons derived from the pilot system implemented under section 231, the Secretary of Homeland Security shall issue an interim final rule as a temporary regulation to implement subsection (a) of this section, not later than 180 days after the date of the submission of the report under section 231, without regard to the provisions of chapter 5 of title 5, United States Code.

"(B) FINAL RULE.—The Secretary shall issue a final rule as a permanent regulation to implement subsection (a) not later than 1 year after the date of the submission of the report under section 231, in accordance with the provisions of chapter 5 of title 5, United States Code. The final rule issued pursuant to that rulemaking may supersede the interim final rule issued pursuant to subparagraph (A).

"(2) PHASED-IN APPLICATION.—

"(A) IN GENERAL.—The requirements of subsection (a) apply with respect to any container entering the United States, either directly or via a foreign port, beginning on—

“(i) the end of the 3-year period beginning on the date of the enactment of the Improving America’s Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in a country in which more than 75,000 twenty-foot equivalent units of containers were loaded on vessels for shipping to the United States in 2005; and

“(ii) the end of the 5-year period beginning on the date of the enactment of the Improving America’s Security Act of 2007, in the case of a container loaded on a vessel destined for the United States in any other country.

“(B) EXTENSION.—The Secretary may extend by up to 1 year the period under clause (i) or (ii) of subparagraph (A) for containers loaded in a port, if the Secretary—

“(i) finds that the scanning equipment required under subsection (a) is not available for purchase and installation in the port; and

“(ii) at least 60 days prior to issuing such extension, transmits such finding to the appropriate congressional committees.

“(C) INTERNATIONAL CARGO SECURITY STANDARDS.—The Secretary, in consultation with the Secretary of State, is encouraged to promote and establish international standards for the security of containers moving through the international supply chain with foreign governments and international organizations, including the International Maritime Organization and the World Customs Organization.

“(d) INTERNATIONAL TRADE AND OTHER OBLIGATIONS.—In carrying out subsection (a), the Secretary shall consult with appropriate Federal departments and agencies and private sector stakeholders to ensure that actions under such section do not violate international trade obligations or other international obligations of the United States.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 2008 through 2013.”.

(b) CONFORMING AMENDMENT.—The table of contents for the SAFE Port Act (Public Law 109-347) is amended by inserting after the item related to section 232 the following:

“Sec. 232A. Deadline for scanning all cargo containers.”.

Mr. SCHUMER. Madam President, at the request of my colleague from Maine, who wishes to wait until Senator LIEBERMAN can come to the floor, I suggest the absence of a quorum.

Ms. COLLINS. Madam President, if we could withhold the request for a quorum, I thank the Senator from New York for his cooperation in this matter. I know the Senator from Connecticut is on his way.

Mr. SCHUMER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I rise today to speak on an amendment offered by myself and my colleague from New Jersey to deal with 100 percent scanning of containers that enter our ports.

First, I wish to salute my colleague from New Jersey. He has been a stal-

wart leader on this issue while in the House and now in the Senate. It has been a pleasure to work with him side by side on something people on both sides of the Hudson River care so dearly about.

I rise today to call upon my colleagues to take action against one of the greatest risks that confront the United States. It is one of the very greatest, if not the greatest risk, and that is a nuclear weapon reaching our shores in a shipping container.

More than 11 million cargo containers come into our country’s ports each year, but only 5 percent of these containers are thoroughly inspected by Customs agents. That means right now if, God forbid, a nuclear weapon were put in one of these containers, it could have a 1-in-20 chance of being detected. No American, certainly no New Yorker, likes those odds.

It means a terrorist could almost use any cargo container as a “Trojan horse” to hide a nuclear weapon or radiological material and bring it to the United States. We know terrorists have tried to purchase nuclear weapons and radiological materials on the black market. We also know the United States is a top target.

Let me be clear: a nuclear weapon does not have to enter the United States or leave our ports to cause death and destruction. Our major ports are also our major cities because so many of our cities, similar to New York, were founded and thrive on maritime trading. A terrorist group could simply detonate a nuclear weapon at the port terminal for the ship docks or even as the ship approaches the harbor. The devastation of a terrorist nuclear attack is literally unimaginable. A nuclear explosion in one of our major ports or one of our major inland cities—if such a weapon were smuggled into one of our ports and driven by truck to it, an Omaha or a Chicago or a Saint Louis—would cause enormous loss of life, both immediately and over time. It would inflict huge economic and physical damage, would render parts of the attacked cities unusable and unapproachable for decades, and would dramatically change life in this country forever.

We are also at risk of an attack with a “dirty bomb” that combines conventional explosives with radiological material. The consequences, while not as severe as a nuclear weapon, would also be horrific.

A nuclear or radiological attack by terrorists in our ports is a scenario that keeps me up at night. I worry about my children, my family, my friends, and then 19 million New Yorkers, and 30 million Americans. But the people running things at the Department of Homeland Security do not seem to be losing a wink of sleep over this. DHS gives us the usual delay and nay-saying that we have seen so often.

I have been talking about this issue for 5 years in this Congress. I have offered amendment after amendment,

and every time people come back and say: Forbear. We will get it done. Well, it is now 2007. It is 5½ years after 9/11, and we are not close to doing what we should be doing—not even close.

I am tired of all the excuses and delay and, frankly, lack of focus—proportionate focus. I am tired of the lack of proportionate focus the Department of Homeland Security gives to this issue. If we all agree this is one of the greatest tragedies that could befall us, then how in God’s Name do we pay so little attention, put in so few resources to getting this done?

Congress—this new Congress—owes it to the country and to our children and to our families to do better. This amendment will do much better.

The Schumer-Menendez amendment contains the same firm deadlines the House passed in January for DHS to require all containers coming into the United States from foreign ports to be scanned for nuclear and radiological weapons and then sealed with a tamperproof lock.

Within 3 years, 100 percent of containers coming from the largest foreign ports would be scanned and sealed before arriving in the United States.

Within 5 years, 100 percent of all containers from all ports worldwide would be scanned and sealed.

Imagine, on that date, only 5 years from now, Americans could breathe a huge sigh of relief knowing we are safe from the nightmare I described earlier.

Now, I know what the critics say. The critics say 100 percent scanning cannot be done. But the truth is, technology for scanning does exist, and it can be expected to improve steadily, as technology usually does. The experts are divided. There are some who say it cannot be done, some who say it can be done. I know the shipping industry would rather we not do this, that we slow-walk it. I understand their interest. But our interest is much greater.

We already have advanced scanning equipment that can check for radiation as a moving cargo container passes through a port. That is without dispute. As a part of the same process, we have equipment that can create a detailed image showing the density of the contents of the container, in order to see radioactive material that might be shielded.

In fact, this scanning equipment is already being set up at foreign ports and brought online through DHS’s Secure Freight Initiative, which is a pilot project required under last year’s SAFE Port Act.

Now, the Secure Freight Initiative is a good start, but it is only a small start. It will only scan between 5 and 10 percent of our incoming cargo for nuclear weapons. We cannot, we must not, and do not have to accept 5 percent security.

The only real barrier to 100 percent scanning is lack of will—lack of will in the administration, which we have seen for 5½ years; lack of will in DHS, which we have seen from its inception;

and, frankly, lack of will in this Congress. If we show we are serious about 100 percent scanning, then we will see an end to the administration's and DHS's foot-dragging and a beginning of real security.

Adapting to 100 percent scanning may have some small effect on commerce. It is true, it will affect commerce. But that is far outweighed by the complete shutdown of trade that a successful attack would cause. A nuclear attack in the shipping chain would grind commerce to a halt.

Madam President, I ask unanimous consent that my colleague from New York, Senator CLINTON, be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Our amendment is sensible, it is feasible, and it is absolutely necessary.

The Congressional Budget Office says the House bill—which is very similar to this amendment—will cost the Government \$160 million in 2008 through 2012. That may sound like a lot of money, but it is such a small price to pay for an enormous improvement in security. When we compare it to the other large sums we spend on other things, it is not even close.

If we asked Americans to rank the cost of this program with the benefit, it would be at the very top of the list. America sees it. Certainly, New York sees it. New Jersey sees it. Why doesn't this body? I hope we will.

The amendment does not obligate the Government to buy scanning equipment or seals. Scanning equipment will simply become a cost of doing international business, similar to so many other necessary costs that are imposed for very good reasons.

The DHS rules for 100 percent scanning will not be developed in a vacuum but will use the results of the Secure Freight Initiative and other demonstrations of scanning technology.

Under my amendment, DHS will only issue a final 100 percent scanning regulation after the Secure Freight Initiative pilot project is complete and DHS reports to Congress. DHS will use the lessons learned from the pilot project to write regulations that are workable.

Our amendment also has some flexibility because it is obvious you cannot do scanning without equipment. The Secretary of Homeland Security can extend the deadline for 100 percent scanning by a year if the scanning equipment is not available for purchase and installation in a port.

This amendment also will not lock us into using today's technology when tomorrow arrives. Under this amendment, DHS will have to develop standards for the best available scanning technology and also for container seals and to update these standards regularly as technology improves.

This amendment accommodates our international agreements with our trading partners. It authorizes DHS to develop international standards for

container security, and it directs DHS to ensure that 100 percent scanning is implemented in a way that is consistent with our international trade obligations.

I cannot overstate how much it disturbs me that Congress has, so far, lacked the resolve to impose firm deadlines for 100 percent scanning. Now the House has acted decisively and so should the Senate.

The amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world.

I truly believe, unless we have a firm deadline, DHS will continue to drag its feet and our people in America, in our ports and on land, will be susceptible to this kind of horror for far too many years than they should have to be. Again, there will be arguments that it is not feasible. A deadline will make it feasible. A deadline will concentrate the minds of those in DHS and in the shipping industry to get it done, and if after 3 or 4 years they have shown effort and they say they need an extension, they can come back to the Congress to do it. But I would argue that is the way to go, not to set no deadline and let them proceed at the all-too-slow pace we have seen thus far.

This amendment is desperately needed to keep the scanning effort moving forward and to create a real incentive for DHS to require container scanning all over the world; otherwise, we will probably see the same misplaced priorities from DHS we usually do.

At any given moment, our seaports are full of container ships and more are steaming to and from our shores. Each one of these ships, unfortunately, is an opportunity for terrorists to strike at our industry, our infrastructure, and our lives. We know our enemies will wait patiently and plan carefully in order to create maximum panic, damage, death. A nuclear weapon in a shipping container would be a dream come true for them, those few crazy fanatics who unfortunately live in the same world as we do, but it would be an endless nightmare for us.

We have lived with the threat of a nuclear weapon in a shipping container for so long that some people seem prepared to accept this insecurity as a fact of life. But talk to intelligence experts or read the New York Times Magazine from last Sunday. Al-Qaida and others are focusing, and they would prefer this method of terrorism, worst of all. I am not prepared, my colleague from New Jersey, my colleague from New York, and hopefully a majority of this body is not prepared to let this insecurity continue. When it comes to shipping container security, the danger is obvious, the stakes are high, and the solution is available. We simply cannot afford any more delay.

One of the greatest risks facing our security is that a terrorist could easily smuggle a nuclear weapon from a foreign country into our ports. It would

inflict countless deaths, tremendous destruction, and bring trade to a standstill. The bottom line is program screening for nuclear materials is delayed, funding for research and development squandered, and international security mismanaged.

If this administration isn't going to put some muscle behind security under the current laws, then Congress ought to do it, and we ought to do it now. We have waited long enough.

I urge my colleagues on both sides of the aisle to join with me and Senator MENENDEZ in making our ports, our Nation, and the international supply chain more secure by enacting firm deadlines for 100 percent scanning.

Mr. President, I yield the floor.

Mr. COLEMAN. Mr. President, I understand there is a UC that would have Senator COLLINS speak next, then Senator MENENDEZ, and then myself. I ask unanimous consent that we alter that so I can speak and then Senator MENENDEZ and then Senator COLLINS. I would simply switch places with Senator COLLINS. That is my understanding of the UC agreement.

Mr. MENENDEZ. Mr. President, reserving the right to object, I would ask the Senator how long he intends to speak.

Mr. COLEMAN. Is there a limitation under the UC?

The PRESIDING OFFICER (Mr. SALAZAR). There is no limitation under the current unanimous consent agreement.

Mr. MENENDEZ. I would say to my colleague I have the Governor of our State with whom I am supposed to meet right now and that is the only reason I am inquiring.

Mr. COLEMAN. Mr. President, I would ask my colleague from New Jersey how long he would intend to speak. Would he like to alter the UC to speak first and then I would follow?

Mr. MENENDEZ. Ten minutes.

Mr. COLEMAN. Mr. President, I would simply ask unanimous consent that the Senator from New Jersey speak for 10 minutes and then I would speak and then the Senator from Maine would have an opportunity to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, let me, first, thank my colleague for his courtesy. I appreciate it very much. I rise to join my distinguished colleague from New York, Senator SCHUMER, in offering this amendment. He has been a champion in this regard, and he understands that the cause of the devastation in the city of New York was the of acts of terrorism. I, too, reside right across the river and having lost 700 residents on that fateful day, I understand the consequences of inaction.

What we are calling for is to move forward to implement 100 percent scanning of all the cargo containers entering the United States. This, 5 years

later—5 years later—in understanding the realities of a post-September 11 world.

Last year this body took action to secure a long overlooked vulnerability in our Nation's security. We passed the SAFE Port Act, which made significant progress toward improving security in our ports. But the fact remains that until we know what is in every cargo container entering our ports, we cannot definitively say we are secure.

Because of our action in the SAFE Port Act, the Department of Homeland Security is now conducting a pilot project to implement 100 percent scanning of cargo at six ports. That is a crucial first step. However, reaching 100 percent scanning should not be a far-off goal but something we should be doing as quickly and as urgently as possible. When it comes to the security of our ports, we should not be comfortable with baby steps.

The amendment we are offering, the Senator from New York and I, would ensure that efforts to implement 100 percent scanning move forward by setting clear deadlines for all cargo entering U.S. ports to be scanned. Now, deadlines may not be popular, but the fact is they result in action. Let's not forget that the requirements set in the SAFE Port Act got the Department to act. Within 2 months of the bill being signed into law, the Department moved forward with the pilot project now underway.

The 9/11 Commission made a critical observation in how to approach securing our most at-risk targets. The Commission said:

In measuring effectiveness, perfection is unattainable. But terrorists should perceive that potential targets are defended. They may be deterred by a significant chance of failure.

We recognize we may not be at an ideal place to implement perfect technology, but we do have systems that work, and we should be doing everything possible to advance and implement them at every port. We cannot afford for terrorists to know our ports and our cargo are not defended. Frankly, when 95 percent of the cargo entering our ports has not been scanned, I think it is clear we have a lack of a significant deterrent. We have a 95-percent chance of getting something in. That is a pretty good percentage for the terrorists.

Our ports remain some of the most vulnerable and exploitable terrorist targets our Nation has. We cannot afford to wait for years and years while we simply cross our fingers that an attack will not hit our ports or disrupt our commerce.

In the years after September 11, our focus was largely and understandably on aviation security. But in narrowing in on such a singular focus, we did not start out making the strong investments needed in other areas of our security. We have spent less than \$900 million in port security improvements since 2001, which is a small fraction of

what we spend annually on aviation security. Only when faced with a very public and highly controversial deal that would have put American ports in the hands of a foreign government, did Congress act on port security.

For some of us, however, this is not a new issue, nor was the threat unknown. For 13 years, I represented a congressional district in New Jersey that is home to the Nation's third largest container port. The Port of New York and New Jersey, the majority of which physically resides in New Jersey, has a cluster of neighborhoods literally in its backyard. Ask any New Jerseyman from that part of the State and they will tell you how close to home the threat of port security hits. Every day, they drive by the containers stacked in rows within throwing distance of major highways. Every day, they see cargo coming off the ships, ready to be put on a truck that drives through their neighborhood or to sit in a shipyard visible from a 2-mile radius around the port, with an international airport and a transnortheastern corridor. Until we can assure them we know exactly what is coming into our ports and into their neighborhoods, they have a right to question their safety.

Ironically, the people who live in the backyards of the Port of New York and New Jersey also live in the shadows of what was the World Trade Center. But there are other ports throughout this country with similar neighborhoods. So not only are they keenly aware of the vulnerability of the ports, many of them have experienced or witnessed the destruction that took place on that fateful day.

Despite the awful lesson I hope we learned on September 11, where we saw everyday modes of transportation turned into destructive weapons, we still seem slow to understand that everyday modes of commerce could as quickly and easily be turned into weapons with catastrophic consequences. When it comes to the security of our cargo, precision is everything. We have to be on the ball every day. We have to be right about what is in every single container entering our ports. The terrorists only have to be right once, and they have a 95-percent chance to be right once.

This is not just a question of homeland security; it is also about economic security. Every year, more than 2 billion tons of cargo pass through U.S. ports. Jobs at U.S. ports generate \$44 billion in annual personal income and more than \$16 billion in Federal, State, and local taxes. The Port of New York and New Jersey alone handled more than \$130 billion in goods in 2005. While too much of our country's and our Nation's ports are part of an invisible backdrop, they are key to an international and domestic economic chain, and if there was a major disruption, economies would be crippled and industries halted.

Many of us in this body have repeatedly warned of the disastrous repercus-

sions if there was an attack at one of our ports. Yet, as a Nation, we have moved at a snail's pace when it comes to doing what is necessary to fully secure our ports. The question is, if we continue to delay and there is an attack because we have not implemented 100 percent scanning, what price then are we willing to pay? How much are we willing to sacrifice if the worst-case scenario happens at one of our ports?

I can't look at a constituent of mine or anyone in this country and say that algorithms—we presently scan only a small percentage, only 5 percent, the rest of it we do calculations by algorithms. If I tell an American that their protection is based upon algorithms, they would tell me I am crazy. But that is what is happening today. That is the layered approach. But it is an algorithm that supposedly protects you. If Hong Kong can do this, certainly the United States of America can do this. We are not talking about immediately, we are talking about 3 years for major ports, 5 years for all other ports, with the opportunity for extension.

In a post-September 11 world, where we have had to think about the unimaginable and prepare for the unthinkable, how can we continue to operate as if the threat to our ports is not that great? Can we not imagine how a ship with cargo can become a weapon of mass destruction? Can we not foresee how a deadly container can get to a truck and be driven through some of the most densely populated cities? Will we be content in telling the families of those whom we let down that we didn't move fast enough? I, for one, am not willing to do that. I believe we must do everything possible now so we never have to be in that position.

I hope my colleagues join Senator SCHUMER and myself in making sure we never have to look at a fellow American and tell them we just acted too slowly or we let economic interests overcome security interests. I think we can do much better. Our amendment does that.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. COLEMAN. Mr. President, I agree with my colleagues from New York and New Jersey about the grave danger, the almost unimaginable horror that would occur if a nuclear device was smuggled into one of the 11 million containers that come into our ports every year. It is an area of vulnerability. It is an issue of great concern.

I am not a casual observer of this. I don't just lose sleep over this—which we all should—but for 3 years we worked on this. As chairman of the Permanent Subcommittee on Investigation, I participated in a 3-year review and then laid out a plan of action, working with the Senator from Connecticut and working with my Democratic colleague from Washington, Senator MURRAY. Of course, I also worked with the leadership and Senator COLLINS from Maine, chairman of the

Homeland Security Committee last year.

As a result of that 3-year effort, we put forth a bill last year to bolster American security. I say to those watching that there was not a 95-percent chance of somebody smuggling a nuclear device in a container. We are not simply looking at 5 percent and ignoring everything else. To raise that kind of level—first, that is simply not true. We have in place a system we need to do better with, no question about it. We passed legislation last year to help us do better. Part of that legislation is a provision that would require the Department of Homeland Security, through the secure freight initiative, to develop a pilot program to figure out can we do 100-percent testing of every container. That is what we should be doing. The idea that somehow there is a lack of resolve is simply not true. It is a matter of figuring out the right thing to do.

To quote an editorial in the Washington Post on Tuesday, January 9, 2007:

Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job [if you know anything about border crossing and x-ray machines at airports]. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure every maritime cargo container bound for the United States is scanned before it departs for American shores.

I ask unanimous consent to have this editorial printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 9, 2007]

A BAD INVESTMENT

What's more important, Coast Guard patrols or collecting fingerprints at border crossings? Running checked bags through X-ray machines at airports or installing blast barriers at nuclear plants?

Given a limited amount of money and an endless list of programs and procedures that could make Americans safer, it's essential to buy the most homeland security possible with the cash available. And as the little list above demonstrates, that can be a tough job. That's all the more reason not to waste money on the kind of political shenanigan written into a sprawling Democratic bill—up for a vote in the House this week—that would require the Department of Homeland Security to ensure that every maritime cargo container bound for the United States is scanned before it departs for American shores.

Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo. The sensible posture is to await the results of those trials before buying port scanners, training the thousands who would be needed to operate them and gumming up international trade.

The Democrats don't offer a realistic cost estimate for the mandate they will propose today. But the cost to the government and the economy is sure to be in the tens of billions and quite possibly hundreds of billions annually. The marginal benefit isn't close to being worth the price. Under recently expanded programs, all cargo coming into the country is assessed for risk and, when necessary, inspected, all without the cost of expensive scanning equipment, overseas staff and long waits at foreign ports. Perhaps that's why the Sept. 11 commission didn't recommend 100 percent cargo scanning.

The newly installed House leadership will bring the bill, which contains a range of other homeland security proposals both deserving and undeserving, directly to the floor, bypassing the Homeland Security Committee. Luckily, the Senate will give more thought to its homeland security bill and probably won't approve a 100 percent container inspection plan. House Democrats can figure those odds as well as anyone. But why not score some easy political points in your first 100 hours?

Mr. COLEMAN. It goes on to say:

Container scanning technology is improving, but it is not able to perform useful, speedy inspections of cargo on the scale House Democrats envision [for this amendment envisions]. Congress has already authorized pilot programs to study the feasibility of scanning all maritime cargo.

That is what we have done. I offered that amendment last year. As a result, the Department of Homeland Security is putting in place a pilot that will scan all U.S.-bound containers at three ports by July of this year. They are the Port Qasim in Pakistan, which is ready for testing now; Port Cortez in Honduras, which is ready for testing now; and Southampton in the United Kingdom, which will be ready in July.

So the reality is what we are doing in Congress is acting in a rational manner, understanding the needs to go forward as aggressively as possible but not fearing demagoguery and telling the public we are turning a blind eye to 95 percent of the cargo containers that are there. The idea of 100-percent scanning comes from a system we saw in Hong Kong, a system I asked the Senator from New York to look at. I believe he did. When you see that system, what happens is they have a scanning technology where vehicles literally roll through, nonstop, with no slowing up of traffic, and as it scans it takes almost a moving "CT scan" to see what is inside. There is a radiation portal device in front of it. Then you have that information. That is what he observed. That is 100-percent scanning.

But the reality is that system is in place in 2 of the 40 lanes in Hong Kong. Nothing is done with the information that is gathered it. It is not sent over to Langley or integrated into a more comprehensive review of what we do. Even if there are radiation signals that come off, there is not necessarily a mandated or forced review of the cargo.

So what the Senate did, being the world's most deliberative body, is look at the danger of the threat, and I agree with the Senators from New Jersey and New York that it is an enormously high threat. We said, how do we ration-

ally handle that and not do political shenanigans and play to the fear of the public by saying 95 percent of the cargo containers are coming to this country without being dealt with. We said, how do we put in place a system where we see whether we can get 100-percent scanning to work and integrate it into our other systems. That is part of the point the public should understand. We do have systems in place. When the Senator from New Jersey talks about algorithms, he is saying that cargo—every single container gets rated at a level of risk; based on that, determinations are made as to the level of review. We have what would be called a delayed approach to security. We don't have the capacity, resources, or ability to scan 11 million containers today, so 100-percent scanning should be our goal, to be done in a way that we can use the information integrated into the system. By the way, it is done in a way that doesn't stop the flow of commerce.

The mayor of New York testified before the Homeland Security Committee. I asked him the question about 100-percent scanning. His quote was:

Al-Qaida wins if we close our ports, which is exactly what would happen if you tried to look at every single 1 of the 11 million containers that come here.

We don't want al-Qaida to win or to close our ports. We want 100-percent scanning, but we want to do it in a way that doesn't raise the level of fear and somehow communicate to the public that there is a lack of resolve or a lack of will. It is a matter of us trying to proceed in a very rational way.

By the way, there is nothing in our amendment of last year that stops the Department of Homeland Security from moving forward quicker. Our amendment last year requires the pilot projects to be done within a year of passage of the bill last year. It says the Department has to come back to us, to Congress, and explain to us what it is going to take to move forward. We have in place today a mechanism that will accelerate the opportunity for 100-percent screening as fast as is possible. There is no lack of resolve, no lack of will, no bureaucratic obfuscation. There is simply the reality of trying to figure out a way to take the technology that is out there and incorporate it into the defense system we have so it is doing something. Again, we do it not because we want to tell people we are looking at 11 million containers. We certainly should not be telling people we are turning a blind eye to—or there is a 95-percent chance of something coming in without being considered. That is not reality.

As the mayor of New York also said when he testified, we cannot give a guarantee. No matter what we do, the enemy is going to try to attack us. They may succeed. But it would be a terrible tragedy if somehow it were conveyed that we are sitting on our hands and this Senate is not responding to the real, grave, and terrible threat of a nuclear device or a weapon

of mass destruction coming here in a cargo container.

We have in place a pilot project. Let the agency do what the Senate and Congress has dictated it do. Let it test the technology, see if it can make it work. Let it come back and tell us how quickly they are going to get it done. If it is not done quickly enough, I will join with the Senators from New York and New Jersey, and other colleagues, and say you have to accelerate the pace. Let there not be fear mongering about this issue. Let there not be what the Washington Post called "political shenanigans." Let us play to our best instincts and let the public know we have resolve on this issue. Let's give the pilot program a chance to work. I urge my colleagues to reject this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from Minnesota for his excellent statement. He has spent a great deal of time on this issue as the former chairman of the Permanent Subcommittee on Investigations. He examined our ports very closely. He helped draft the port security bill we passed last year. I hope my colleagues will listen to his advice on this issue.

Mr. President, 100 percent screening, that sounds like a great slogan. After all, who could be against scanning 11 million containers?

Let's look at what that would involve. The fact is we need to concentrate our resources on containers that pose a real threat, on containers and cargo that are at highest risk. It doesn't make sense to try to inspect everything, and it has extraordinarily negative consequences for our system of international trade.

I rise to oppose Senator SCHUMER's amendment that would require scanning of all cargo containers entering the United States from large foreign ports within 3 years, and containers from all 700 foreign ports in 5 years. This approach patently ignores the technological limitations on integrated scanning systems that are necessary to scan 100-percent of containers. It irrationally assumes that integrated scanning systems will be practical and cost-effective and work well in only 3 years. I hope they will be, and I will talk about the pilot programs we have underway to see or to test the feasibility.

But the costs of being wrong on this assumption are too high for our economy, as so much of our international trade relies on cargo container traffic. Think of how many companies rely on just-in-time inventory. Think of how many businesses all across this country receive cargo. We need a system that makes sense.

The fact is there are substantial technological challenges to scanning 100 percent of cargo containers at foreign ports. I traveled to Seattle, Long Beach, and Los Angeles to look at the

ports and see their operations. I think anyone who does that quickly reaches the conclusion Senator MURRAY and I have reached, which is this cannot work. If you look at how at-risk cargo is scanned, it takes time to unload the container, separate it from the rest of the cargo; it takes a few minutes to scan each container as this giant x-ray-like machine goes around the container. Then the analysis of the images can take several more minutes.

Think about this. We have 11 million containers headed to the United States; that is in a year's time. That is going up each year. When I first started working on port security legislation, it was only 8 million. Now it is 11 million containers. Well, think of the delays that would be caused by scanning each and every container. It would create a massive backlog of cargo at our ports and it would not make us safer.

There are other problems as well. Current radiation scanning technology produces alarm rates of about 1 percent—almost entirely from naturally occurring substances in containers. Actually, when I was in Seattle with Senator MURRAY, we were told that, for some reason, marble and kitty litter seemed to trigger false alarms. So obtaining enough foreign government and DHS personnel to conduct inspections of all those false alarms would be expensive. It is far better to concentrate on containers that, because of the cargo or because of other indicators through the sophisticated system used to identify at-risk cargo, warrant that kind of inspection. There would also be a requirement for extensive negotiations with foreign governments to agree on the deployment of scanning technologies, the protocol for inspecting containers that set off alarms, and stationing customs and border protection inspectors in their ports. Foreign governments would probably turn around and say: If you are going to scan all of the containers coming into America, we are going to scan all of your containers coming into our country. That would multiply the costs and the impact.

Requiring all containers to be scanned and the images reviewed without adequate technology in place would make our country less safe, not more safe. The approach in this amendment would unwisely waste scarce resources on inspecting completely safe cargo instead of targeting personnel and equipment on the cargo that presents a threat to our country and the greatest risk.

The Homeland Security Committee spent a great deal of time last year on port security legislation, and we drafted a bill, brought it unanimously to the Senate floor, had extensive debates in September, and we debated this very issue at that time. Why we are revisiting it just a few months later is beyond me, but here we are.

This amendment wholly ignores the pilot projects that were established by

the SAFE Port Act which we passed last year. These pilot projects are intended to test the technology to see if there is a way to increase scanning. The technology is changing. It is getting better. This may be feasible at some point, but it is not today.

The SAFE Port Act requires the Department of Homeland Security to test scanning in three foreign ports, and the Department is proceeding very rapidly to follow the instructions. It is going to be implemented in ports in Pakistan, Honduras, and the United Kingdom. These pilot projects will involve radiation scanning and x-ray or a non-intrusive imaging scanning that will then be reviewed by American employees, American officials. If these pilots are successful, then we will begin to expand the equipment and the personnel. But the fact is that extensive research and development remains to be done on 100-percent scanning technologies and on infrastructure deployment at sea-ports.

Given the significant impact this requirement would have on our economy, it simply is not responsible to move to this requirement before we have the technology in place to make it feasible and before we have the results of these pilot projects. This isn't just my opinion. If one talks to port directors around the world and on both coasts of the United States, one will find that they believe we cannot do this in a practical way and that it would cause massive backlogs and delay the delivery of vital commodities. It would cause terrible problems for companies that rely on just-in-time inventory. That is why many shippers and importers oppose this amendment, as well as the Retail Industry Leaders Association, National Retail Federation and the U.S. Chamber of Commerce.

So what do we do now? I think it is important for people to understand that we do have a good and improving system in place to secure our cargo. DHS has adopted a layered approach to cargo security that balances security interests against the need for efficient movement of millions of cargo containers each year.

One layer is the screening of all cargo manifests at least 24 hours before they are loaded onto ships. This screening is done through DHS's automated targeting system which identifies high-risk cargo and containers. This is a very important point. The SAFE Port Act, which is now in effect, requires 100 percent of all high-risk containers to be scanned or searched by Customs and Border Protection—100 percent. We found in our investigations that was not always the case, that high-risk containers that had been identified were, in some cases, loaded onto ships and reaching our shores. But the SAFE Port Act changes that. It ensures that 100 percent of high-risk containers will be scanned.

The scanning and inspection of certain high-risk containers is one of the first layers of this multilayered approach the Department uses to prevent

weapons of mass destruction or other dangerous cargo from entering the United States.

A second layer is the Container Security Initiative. This program stations Customs and Border Patrol officers—American Customs and Border Protection officers—at foreign ports. The concept here is to push back our shores. The more we can do these reviews overseas rather than waiting for dangerous cargo to come to our shores, the better the system. CSI will be operational in 58 foreign ports by the end of this year, covering approximately 85 percent of containerized cargo headed for the United States by sea. DHS is continuing to expand this program by working with foreign governments, but this is an excellent program because it ensures that our trained American personnel are stationed in foreign ports.

There is yet another layer, a third layer, and that is the Customs-Trade Partnership Against Terrorism Program. It is called C-TPAT. This is another layer that is designed to bolster security along the entire supply chain under a voluntary regime. The concept here is that a company can sign up to be part of C-TPAT by guaranteeing that its entire supply chain is secure from the factory floor to the showroom floor, and that is the best kind of security we can have. So when goods leave the factory floor, the supply chain, every step of the way—the transporting of the cargo in a truck to the truck going to the port—at every stage, the company has ensured that the supply chain is secure.

These layers—the automated targeting system, the work the Coast Guard does, which I haven't even touched on—also add to the security. The Container Security Initiative and the C-TPAT Program represent a risk-based approach to enhancing our homeland security. At the same time, they allow the maritime cargo industry in the United States, which moves more than 11 million containers each year, to continue to function efficiently.

The SAFE Port Act also requires that at the end of this year, the largest 22 U.S. ports must have radiation scanners, which will ensure that 98 percent of containers are scanned for radiation. That is practical with the current technology. Again, I have seen that in operation in Seattle, where the trucks roll through these radiation portal monitors and an alarm can sound if radiation is found. Sometimes, unfortunately, there are false alarms as well.

We are also working to install those kinds of radiation monitors overseas because, obviously, it is far better if we can do that scanning for radiation overseas in foreign ports on cargo before it reaches our shores. The Department of Energy, under the Megaports Initiative, is currently installing scanning equipment in foreign ports and scanning containers for radiological material. So we are making good progress.

Some who are advocating 100 percent screening are pointing to a project in

Hong Kong, the Integrated Container Inspection System. This is a promising concept, but, as my colleague from Minnesota noted, the project in Hong Kong actually covers only 2 lanes of traffic of more than 40 at the port. In addition, what is happening is images are being taken, but no one is reading and analyzing the images. So this is not truly a project that tells us whether a true, 100-percent integrated scanning system is feasible. But we do have those projects underway, and we should wait until they are ready and finished before moving ahead.

Again, I hope my colleagues will once again reject this amendment. I think it is a big mistake. It would interrupt our system of container traffic, and it could have truly disastrous consequences for our economy. All of us want to make sure cargo coming into this country is safe. There were definitely vulnerabilities and holes in our system for cargo security, but the SAFE Port Act, which we passed at the end of last year, took major steps to plugging those gaps, closing those holes.

We should proceed with vigorous implementation of that bill, including the requirement that 100 percent of all high-risk cargo be scanned, and we should also continue our efforts to build the strongest possible layered system to secure the entire supply chain.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I wish to build on some things my ranking member, Senator COLLINS, said about this amendment. I think what ought to be acknowledged is that everyone in the Senate, everyone in America would like to get to the point where we have 100 percent scanning of containers coming into this country—scanning for radiation because we are worried about the potential catastrophe of a nuclear weapon or a dirty bomb in a container coming into this country.

We know the number of containers coming in is enormous. Each day, more than 30,000 containers offload millions of tons at our maritime borders. We understand this requires two kinds of screening: First is radiation detection equipment to pick up, obviously, radiation emanating from a nuclear weapon or a dirty bomb; secondly, so-called nonintrusive imaging equipment, which is needed in case terrorists have shielded the nuclear weapon or dirty bomb inside some kind of material that will stop it from registering on the radiation equipment. So the nonintrusive imaging equipment, x-ray equipment, will note there is something there that is shielded, which will then lead to a physical inspection of the container.

There is no question in my mind that everybody in the Senate wants to get us to a point where we have 100 percent of the containers coming into America being scanned in the way I just de-

scribed as soon as possible. What I want to say at this point is that the SAFE Port Act, which, as Senator COLLINS said, came out of our Homeland Security Committee last year—during those halcyon days when she was Chairman and I worked deferentially as the Ranking Minority Member—was a good, strong bill. It came out of committee, was adopted by both Houses, enacted, and became law on October 13 of last year. Here is the point. The SAFE Port Act, existing law, sets the goal of 100 percent scanning by radiation detection equipment and non-intrusive imaging equipment, as soon as possible.

Obviously, if somebody says we should do it in 5 years, you would say: Sure, why not do that in 5 years. But I want to suggest now that I believe the existing law holds open the possibility of achieving that goal of 100 percent cargo scanning, assuming we can get over all the technological obstacles that Senator COLLINS and others have spoken of, sooner than the 5 year requirement found in this amendment. That is why it seems to me, with all due respect, that this amendment is unnecessary and, in fact, is less demanding than existing law.

Let me go now to section 232 of Public Law 109-347, which is the SAFE Port Act. It says that the Secretary, in coordination with the Secretary of Energy, and foreign partners as appropriate, shall ensure integrated scanning systems are fully deployed—100 percent—to scan, using nonintrusive imaging equipment and radiation detection equipment, all containers—all containers, 100 percent—before those containers arrive in the United States, as soon as possible.

As soon as possible, I hope, will occur before the 5 years required by this amendment. Not only does it set the goal as soon as possible, it creates a process that, with all due respect, is not found in this amendment, and that process as Senator COLLINS and Senator COLEMAN have described. A one year pilot project scanning 100 percent of cargo containers by these two methods of detection, at three ports around the world. That pilot has already begun. Six months after the conclusion of the pilot program, the Secretary has to report to Congress on the success of the program. The Secretary also has to do something else, according to the law. The Secretary has to indicate to the relevant committees of Congress how soon the 100 percent scanning goal of the SAFE Port Act can be achieved.

Not only that, but subsection (c) of section 232 of the SAFE Port Act says that not later than 6 months after the submission of the initial report—and every 6 months thereafter, the Secretary shall submit a report to the appropriate congressional committees describing the status of full-scale deployment of 100 percent cargo screening. That is not in the House-passed provision or, as I see it, in this amendment before us now.

In other words, 6 months after the year long pilot project, the Secretary is going to report on the results and tell us when exactly he thinks we can achieve 100 percent screening of all cargo. The Secretary will then be required to file a similar report every 6 months thereafter until we achieve full-scale deployment of these two types of scanning devices to detect nuclear weapons that may be smuggled into this country in a container.

Obviously, if the relevant committees of Congress that receive these reports—the first of which by my calculation would be April of next year, 2008, and then every 6 months thereafter—believe this implementation is not moving rapidly enough, we can come back and set a definite deadline date. Right now, however, I submit to my colleagues, existing law, the SAFE Port Act, actually sets a goal of 100 percent cargo scanning that I think may be more quickly achieved than the 5 years in this amendment, and sets up a process not found in the amendment, which requires reports to Congress every 6 months. This will inevitably, by the nature of the congressional process, trigger further legislation, perhaps specifically stating a deadline date for 100 percent scanning if we, in our wisdom, think that the Secretary and the industry are not moving rapidly enough.

The bottom line is this. Existing law, in a technologically very difficult area, with significant potential impacts on our economy and the world economy, actually holds the potential of achieving more, and I believe will achieve more, than the amendment that is being offered. For those reasons, I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

HEALTH CARE

Mr. CARDIN. Mr. President, yesterday, the Washington Post brought to the Nation's attention the story of a young boy, Deamonte Driver, who died Sunday, February 25, at the age of 12. Our thoughts are with the Driver family. Deamonte's death, the result of a brain infection brought on by a tooth abscess, is a national tragedy. It is a tragedy because it was preventable. It is a tragedy because it happened right here in the United States, in a State which is one of the most affluent in the Nation. It happened in a State that is home to the first and one of the best dental schools in the Nation, the University of Maryland. It happened in Prince George's County, whose border is less than 6 miles from where we are standing in the United States Capitol.

By now, most of my colleagues are familiar with Deamonte's story. Through a sad confluence of circumstances and events, the disjointed parts of our health care system failed

this child. The Driver family, like many other families across the country, lacked dental insurance. At one point his family had Medicaid coverage, but they lost it because they had moved to a shelter and the paperwork fell through the cracks. Even when a dedicated community social worker tried to help, it took more than 20 phone calls to find a dentist who would treat him.

Deamonte began to complain about headaches just 8 weeks ago, on January 11. An evaluation at Children's Hospital led beyond basic dental care to emergency brain surgery. He later experienced seizures and a second operation. Even though he received further treatment and therapy, and he appeared to be recovering, medical intervention had come too late. Deamonte passed away on Sunday, February 25.

At the end, the total cost of Deamonte's treatment exceeded \$250,000. That is more than 3,000 times as much as the \$80 it would have cost to have a tooth extraction. It is not enough for the community and the State, and even the Senate, to mourn Deamonte's death. We must learn from this appalling failure of our broken health care system, and we must fix it.

Former Surgeon General C. Everett Koop once said: "There is no health without oral health." The sad story of the Driver family has brought Dr. Koop's lesson home in a painful way.

Our medical researchers have discovered the important linkage between plaque and heart disease, that chewing stimulates brain cell growth, and that gum disease can signal diabetes, liver ailments, and hormone imbalances. They have learned the vital connection between oral research advanced treatments like gene therapy, which can help patients with chronic renal failure. Without real support for government insurance programs like SCHIP and Medicaid, however, all this textbook knowledge will do nothing to help our children.

Here are some basic facts: According to the American Academy of Pediatric Medicine, dental decay is the most chronic childhood disease among children in the United States. It affects one in five children aged 2 to 4, half of those aged 6 to 8, and nearly three-fifths of 15-year-olds.

Tooth decay is five times more common than asthma among school-aged children.

Children living in poverty suffer twice as much tooth decay as middle and upper income children.

Thirty-nine percent of Black children have untreated tooth decay in their permanent teeth.

Eleven percent of the Nation's rural population has never visited a dentist.

An estimated 25 million people live in areas that lack adequate dental care services.

One year ago, the President signed into law the so-called Deficit Reduction Act. I voted against that bill. It included dangerous cuts to Medicaid that provide only short-term savings while raising health care costs and the number of uninsured in the long term.

That law allows States to increase co-payments by Medicaid beneficiaries for services, putting health of America's most vulnerable residents like the Drivers at risk.

The new law also removes Medicaid's Early and Periodic Screening, Diagnostic, and Treatment Program guarantee, which provides children with vital care, including dental services. This became effective as of January 1.

What does this mean? Before the Deficit Reduction Act, Medicaid law required all States to provide a comprehensive set of early and periodic screening and diagnostic treatment benefits to all children. Now States can offer one of four benchmark packages instead, and none of these packages include dental services. According to the Congressional Budget Office, as a result of this provision, 1.5 million children will receive less benefits by 2015.

The last few years have also produced budgets that have crippled health initiatives in this country. This is the result of an agenda that does not give priority to health care, science, and education. After doubling NIH's budget in 5 years, at about a 15-percent annual growth ending in 2003, we are now looking at increases that don't even equal the rate of inflation. With flat funding in the President's NIH budget this year, we are not doing more, we are treading water. When it comes to research project grants, we are doing less. At the same time, overall appropriations for the Health Resources and Services Administration are declining.

The agency's principal responsibility is to ensure that primary care health care services and qualified health professionals are available to meet the health needs of all Americans, particularly the underserved. The President's fiscal year 2008 budget cuts this program by \$251 million. President Bush, once again, proposes to almost wipe out programs that educate non-nurse health professionals. This is happening at a time when more than 20 percent of our dentists are expected to retire in the next decade.

The 2008 Bush proposal would also cut more than \$135 million from health professions training programs. Programs that help prepare minority high school and college students for dentistry would be shut down, as would grants to help support training of primary care doctors and dentists. Scholarships for minority and disadvantaged children would be cut significantly.

Dental reimbursement for programs within the Ryan White CARE Act, which help dental schools train doctors to care for HIV patients, is not increased sufficiently to meet our communities' needs. We cannot let this happen. These training programs provide critically important training and health education services to communities throughout the country, including those in my own State of Maryland.

We need to do more to make the public and the administration understand that dental care must be part of a comprehensive medical approach in this country, and we need to find ways to provide dental coverage as part of health insurance plans.

This comes back to a fundamental question: What should the role of the Federal Government be in these matters? We cannot end these vital health education resource programs; we must strengthen them. Deamonte's death should be a wake-up call to all of us in the 110th Congress. This year we will be called upon to make important decisions about Medicaid funding and we will be called upon to authorize the SCHIP program. We must ensure that the SCHIP reauthorization bill we send to the President for his signature includes dental coverage for our children. I call upon my colleagues, as we begin this debate in the spring, to remember Deamonte. I also ask them to remember his brother, DaShawn, who still needs dental care, and the millions of other American children who rely on public health care for their dental care needs. That is the least we can do.

I urge my colleagues to give these matters the attention they need.

I yield the floor.

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Missouri is recognized.

ACCOUNTABILITY AT WALTER REED

Mrs. MCCASKILL. Mr. President, yesterday I had the privilege of spending 3 hours at Walter Reed Army Hospital, specifically looking at outpatient care. As a result of that visit, I have come to several inescapable conclusions about the leadership of the armed services over this important area.

First, we have to start with a foundational premise, and that premise is our wounded deserve the best. The men and women who have crossed that line and say "I will go" and go and get hurt and come home deserve the best our military can give them—not Building 18.

There are so many problems at Walter Reed, and legislation has been introduced that I am honored to cosponsor that will address a lot of these problems—systemic bureaucratic problems: not sufficient counselors, not sufficient training, not taking care of the families of the wounded. A lot of necessary issues are covered in that legislation. But today I thought it important to spend a few minutes talking about the leadership.

We have to make up our mind around here whether we are going to say "support the troops" and provide oversight and accountability or whether we are going to mean it. If you are going to have accountability under these circumstances you have to look at the culture of leadership. You have to look at the very top of the leadership tree

over Walter Reed. In this instance the leader, General Kiley, was at Walter Reed at or near the time Building 18 opened. It is clear that General Kiley, the Surgeon General of the Army, knew about the conditions at Building 18. More importantly, he knew about the other problems.

The irony of this situation is General Weightman, who has only been there a year, stepped up and said, I take responsibility. I am the commander here now. Just minutes ago he was relieved of his command, while General Kiley is quoted repeatedly as if there is not a problem—he is spinning: "I want to reset the thinking that while we have some issues here, this is not a horrific, catastrophic failure at Walter Reed. I mean these are not good, but you saw rooms that were perfectly acceptable."

They are not perfectly acceptable. You have people who are stationed at Walter Reed who have better barracks than the wounded. That is unacceptable. Our wounded should get the best. The people in better barracks can be placed in apartments in town. When the decision was made to let these men move into Building 18, they could have moved into the better barracks and the people who are stationed there permanently could have been stationed elsewhere.

On Building 18 he said the problems—by the way, he lives within a block of Building 18, General Kiley—"weren't serious and there weren't a lot of them." They are serious and there are a lot of them. He said they were not "emblematic of a process of Walter Reed that has abandoned soldiers and their families."

Back in December, when the vets organizations met with General Kiley and enumerated these problems about the wounded and their families and the problems they were facing in outpatient, General Kiley said, "very important testimony." That was it.

I want to make sure there is no misunderstanding. Colonel Callahan, who is in charge of the hospital at Walter Reed, was open and honest and clearly cared, as did most of the leaders I talked to around the table. But I went away with an uneasy sense that all the legislation we pass and all the paint we can put on the walls is not going to solve this problem if we don't begin to speak out for accountability within the leadership of the military.

When we had the scandal at Abu Ghraib, noncommissioned officers were disciplined. Up until the relieving of General Weightman today, no one above a captain had been disciplined in this matter. It is time the leadership at the top takes responsibility and that is why I have called today for the Surgeon General of the Army, LTG Kevin Kiley, to be relieved of his command over the medical command of the United States Army so the message can go out loudly and clearly: We will not tolerate treatment of our wounded in any way that does not reflect the respect we have for them.

The PRESIDING OFFICER. The Senator from Colorado.

AMENDMENT NO. 290, AS MODIFIED

Mr. SALAZAR. Mr. President, I ask unanimous consent to modify amendment No. 290. I send the modification to the desk.

The PRESIDING OFFICER. The amendment is not pending. The Senator may modify his amendment.

Mr. SALAZAR. I send the amendment as modified to the desk. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself and Mr. LIEBERMAN, proposes an amendment numbered 290, as modified.

The amendment is as follows:

(Purpose: To require a quadrennial homeland security review)

At the appropriate place, insert the following:

SEC. ____ . QUADRENNIAL HOMELAND SECURITY REVIEW.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—Not later than the end of fiscal year 2008, the Secretary shall establish a national homeland security strategy.

(2) REVIEW.—Four years after the establishment of the national homeland security strategy, and every 4 years thereafter, the Secretary shall conduct a comprehensive examination of the national homeland security strategy.

(3) SCOPE.—In establishing or reviewing the national homeland security strategy under this subsection, the Secretary shall conduct a comprehensive examination of interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States with a view toward determining and expressing the homeland security strategy of the United States and establishing a homeland security program for the 20 years following that examination.

(4) REFERENCE.—The establishment or review of the national homeland security strategy under this subsection shall be known as the "quadrennial homeland security review".

(5) CONSULTATION.—Each quadrennial homeland security review under this subsection shall be conducted in consultation with the Attorney General of the United States, the Secretary of State, the Secretary of Defense, the Secretary of Health and Human Services, and the Secretary of the Treasury.

(b) CONTENTS OF REVIEW.—Each quadrennial homeland security review shall—

(1) delineate a national homeland security strategy consistent with the most recent National Response Plan prepared under Homeland Security Presidential Directive 5 or any directive meant to replace or augment that directive;

(2) describe the interagency cooperation, preparedness of Federal response assets, infrastructure, budget plan, and other elements of the homeland security program and policies of the United States associated with the national homeland security strategy required to execute successfully the full range of missions called for in the national homeland security strategy delineated under paragraph (1); and

(3) identify—

(A) the budget plan required to provide sufficient resources to successfully execute the full range of missions called for in that national homeland security strategy at a low-to-moderate level of risk; and

(B) any additional resources required to achieve such a level of risk.

(c) LEVEL OF RISK.—The assessment of the level of risk for purposes of subsection (b)(3) shall be conducted by the Director of National Intelligence.

(d) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit a report regarding each quadrennial homeland security review to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives. Each such report shall be submitted not later than September 30 of the year in which the review is conducted.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial homeland security review;

(B) the threats to the assumed or defined national homeland security interests of the United States that were examined for the purposes of the review and the scenarios developed in the examination of those threats;

(C) the status of cooperation among Federal agencies in the effort to promote national homeland security;

(D) the status of cooperation between the Federal Government and State governments in preparing for emergency response to threats to national homeland security; and

(E) any other matter the Secretary considers appropriate.

(e) RESOURCE PLAN.—

Not later than 30 days after the date of enactment of this Act, the Secretary shall provide to the Committee on Appropriations and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Appropriations and the Committee on Homeland Security of the House of Representatives a detailed resource plan specifying the estimated budget and number of staff members that will be required for preparation of the initial quadrennial homeland security review.

Mr. SALAZAR. Mr. President, I come here today first to make some comments about the legislation that is before the Chamber. I can think of no greater responsibility for this Senate to take on than to make sure our homeland is in fact secure and protected. I commend my colleagues, the chairman, Senator JOE LIEBERMAN, and Senator SUSAN COLLINS, the ranking member, for having worked with the committee to have brought a very good product here to the floor of the Senate. It is legislation I strongly support. It moves our country in the right direction in terms of making sure we are moving forward with the appropriate level of homeland security.

When the people of Colorado chose me to represent them here in this Chamber, I made a promise to them that protecting our homeland and supporting law enforcement would be among my very highest priorities. In the 2 years-plus since I took that oath of office, I have had the privilege of working hard to fulfill that pledge with my colleagues here in the Senate. With the help of colleagues of both parties, I have been privileged to help pass the Combat Meth Act, I have been privi-

leged to help find bipartisan support on the PATRIOT Act, provide resources for law enforcement and emergency responders, and pass, last year, a comprehensive immigration reform bill that secured our borders and enforced our laws.

Great challenges remain. Great challenges remain as we move forward with the challenge of homeland security, challenges that cannot be deferred, challenges we should not defer here in Washington. These are challenges that require compromise and a bipartisan approach in dealing with homeland security. This week we take up those challenges as we implement the unfinished recommendations of the 9/11 Commission.

I begin my remarks by reading a few sentences from the preface of the 9/11 Commission report. That report said in its preface the following:

We have come together with a unity of purpose because our Nation demands it. September 11, 2001, was a day of unprecedented shock and suffering in the history of the United States. The nation was unprepared. How did this happen and how can we avoid such tragedy again?

These words convey a simple but a very important message. We have an obligation to work together, not as partisans but as policymakers, to ensure our Nation is better protected in the future. The bill we are debating today takes a number of very important steps in that direction.

First, I am pleased to see the creation of a grant program dedicated to improving interoperable communications at the Federal, State, and local levels. This grant program will help ensure that communities across the country in both urban and rural areas receive the funding necessary to improve their communications systems. Money alone will not solve the problem of interoperability, but many cash-strapped communities need the Federal funds necessary to help purchase the necessary radio and tower upgrades.

It is also important to note that States will be required to pass on at least 80 percent of grants under this program to local and tribal governments and to demonstrate that those funds will be used in a manner consistent with statewide operability plans and the National Emergency Communications Plan. While Colorado has been a leader in achieving interoperability, many communities in my State simply do not have the resources necessary to purchase radio equipment. As Frank Cavaliere, the chief of the Lower Valley Colorado Fire District, told my office last year, "We are many light years away from being able to purchase enough radio equipment let alone all of the repeater towers needed for effective coverage." This grant program alone will not solve the problem, but it is an important step in the right direction.

Second, I am pleased to see the proposed legislation would improve the sharing of intelligence and information

with State and local and tribal governments. In particular, I am pleased the bill establishes an intelligence training program for State, local, and tribal law enforcement officers and emergency responders, and it authorizes the Interagency Threat Assessment Coordination Group, which will coordinate the dissemination of intelligence to State and local officials.

Intelligence and information sharing is an issue of particular importance to law enforcement officials and emergency responders throughout our Nation. Indeed, when I conducted a survey last year of Colorado emergency officials, by a 3-to-1 margin they felt anti-terrorism information they received from the Federal Government was insufficient and ineffective. The chief of police for Estes Park, CO, Lowell Richardson, summed this up when he told my office the following. He said "a duplicity in sharing information . . . exists between State and Federal agencies. This overwhelms our ability to efficiently sift through the information and forward what is relevant to the officers on the street."

I am hopeful this bill will begin to sort out this program and ensure our State and local emergency responders have all the necessary information and intelligence.

Finally, I am pleased the bill would mandate the creation of a National Biosurveillance Integration Center which would promote the integration of Federal, State, and local data from human health, agriculture, and environmental surveillance programs in order to enhance the ability to rapidly identify and attack outbreaks following a bioterrorist attack or a naturally occurring pandemic. In the survey of Colorado emergency responders, by a 4-to-1 margin they felt unprepared to handle a weapons of mass destruction attack. It is our duty as a Congress to do everything in our power to help State, local, and tribal communities prepare for the possibility of a bioterrorist attack and this bill takes an important step in that direction.

I also note two amendments which I offered to strengthen this already good bill. These amendments deal with two issues which I understand well since serving as attorney general for Colorado, the planning and training for law enforcement.

Now I ask unanimous consent the pending amendment be set aside. I call up amendment No. 290 and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is pending.

Mr. SALAZAR. This amendment would require the Department of Homeland Security to conduct a "Quadrennial Homeland Defense Review." I am proud both Senator LIEBERMAN and Senator COLLINS are co-sponsors of this legislation.

This amendment would provide a comprehensive examination of the national homeland security strategy and an assessment of interagency cooperation, preparedness of Federal response

assets and infrastructure, and a budget plan.

The quadrennial homeland defense review would mirror the quadrennial homeland defense review prepared by the Pentagon which helped shape defense policy, military strategy, and resource allocation. The quadrennial review would not be another bureaucratic document which gathers dust on some shelf; instead, this document will require DHS to do the hard thinking, preparation, and planning necessary to coordinate national homeland security resources.

AMENDMENT NO. 280 TO AMENDMENT NO. 275

The second amendment I wish to discuss is amendment No. 280. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the pending amendment being set aside?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. SALAZAR], for himself, Mr. CHAMBLISS, Mr. ISAKSON, and Mr. PRYOR, proposes an amendment No. 280 to amendment No. 275.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. ____ . RURAL POLICING INSTITUTE.

(a) IN GENERAL.—There is established a Rural Policing Institute, which shall be administered by the Office of State and Local Training of the Federal Law Enforcement Training Center (based in Glynco, Georgia), to—

(1) evaluate the needs of law enforcement agencies of units of local government and tribal governments located in rural areas;

(2) develop expert training programs designed to address the needs of rural law enforcement agencies regarding combating methamphetamine addiction and distribution, domestic violence, law enforcement response related to school shootings, and other topics identified in the evaluation conducted under paragraph (1);

(3) provide the training programs described in paragraph (2) to law enforcement agencies of units of local government and tribal governments located in rural areas; and

(4) conduct outreach efforts to ensure that training programs under the Rural Policing Institute reach law enforcement officers of units of local government and tribal governments located in rural areas.

(b) CURRICULA.—The training at the Rural Policing Institute established under subsection (a) shall be configured in a manner so as to not duplicate or displace any law enforcement program of the Federal Law Enforcement Training Center in existence on the date of enactment of this Act.

(c) DEFINITION.—In this section, the term “rural” means area that is not located in a metropolitan statistical area, as defined by the Office of Management and Budget.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section (including for contracts, staff, and equipment)—

(1) \$10,000,000 for fiscal year 2008; and

(2) \$5,000,000 for each of fiscal years 2009 through 2013.

Mr. SALAZAR. Mr. President, this amendment, which I offer with Senators CHAMBLISS, ISAKSON, and PRYOR, would create a Rural Policing Institute at the Federal Law Enforcement Train-

ing Center. I have often referred to our rural communities as “the forgotten America.” Indeed, rural America is the backbone of our country. But often those with wide stretches of land out in the heartland of America are forgotten and don’t have the kinds of resources found in larger cities.

What this amendment would do is create a Rural Policing Institute that would be operated out of the Federal Law Enforcement Training Center in Georgia. I am proud my colleagues in Georgia and Arkansas have agreed to cosponsor the amendment. The essence of this amendment is to evaluate the needs of rural and tribal law enforcement agencies. It would develop training programs designed to address the needs of rural law enforcement agencies. It would export those training programs to those agencies, and it would conduct outreach to ensure the programs reach rural law enforcement agencies.

Let me comment briefly on this amendment. When I step back and see what we are trying to do on the front of homeland security, we know that at some point, someplace, we in the United States will be attacked again in the same way we were attacked on 9/11. The question becomes, What will we do to prevent those kinds of attacks from occurring?

If one looks at the men and women who wear our uniform as our peace officers around the country, there are some 600,000 of them out there in patrol cars. They are the ones who are going to be the first to really know whether there is a threat somewhere within a small community or a large community. It is important for us to support these men and women who are out there as law enforcement officers and make them a coordinated partner in helping us deal with issues of homeland security. The Rural Policing Institute, which is a top-of-the-line institute for Federal law enforcement training, should be made available to these rural law enforcement officers because that will help them be true partners in enhancing homeland security, which we need so much.

I commend the leadership of Senators LIEBERMAN and COLLINS on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LIEBERMAN. Mr. President, if the Senator from New Jersey will withhold, I ask unanimous consent that the Senate stand in recess from 3 p.m. to 4 p.m. for the national security briefing in S. 407; that upon reconvening at 4 p.m., the Senate resume the Schumer amendment No. 298; that prior to a vote in relation to the amendment, there be 45 minutes of debate equally divided and controlled by Senators SCHUMER and LIEBERMAN or their designees; that no amendment be in order to the amendment prior to the vote; and that upon use of the time, the Senate proceed to vote in relationship to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank my friend from New Jersey.

AMENDMENT NO. 298

Mr. LAUTENBERG. Mr. President, I will try to conclude my remarks before the time we are closing down the Senate.

The House has taken an important step to implement the 9/11 Commission recommendations. I am pleased to see us at work to complete our deliberations on this bill, but for the moment, I wish to talk about amendment No. 298 which Senator SCHUMER has offered to strengthen our port and container security. It builds on a law I helped write last year. It was then that I authored language in the SAFE Ports Act to require the Bush administration to scan every container entering our country, looking for weapons and contraband. My amendment called for a dramatic change in our national policy on cargo screening, but the administration was not moving fast enough. That is why it is essential that we pass today’s amendment offered by Senator SCHUMER, which I cosponsored.

The 2-mile stretch that is between Port Newark and Newark-Liberty International Airport is considered the most at-risk area in the country for a terrorist attack. This is asserted by the FBI, and it is something to which we have to pay serious attention.

I served as a commissioner of the Port Authority of New Jersey and New York. I know how vulnerable a target the port region is. Our ports are the doors through which essential goods and commodities enter our national economy. They are the doors through which supplies flow to our military. Ninety-five percent of all America’s imported goods arrive by ship. We need a way to ensure that 100 percent of these containers coming into our country are WMD free. We need a scanning system in place as soon as possible. Since the Bush administration has failed to act promptly to put this scanning system in place at our ports, we need to pass this amendment to push the administration to complete the task.

The New Jersey-New York port is the second busiest container port in the entire country. In 2005, 13 percent of all vessels arriving in America called on our port. Thousands of longshoremen and others work at docks where these ships come in, and millions of people live in the densely packed communities around the port. Every day we fail to make our ports safer is a day we can leave them more vulnerable to a terrorist attack.

Today, we only inspect about 5 percent of the shipping containers that enter our country. Who knows what lies within those containers? We have seen attempts to smuggle arms into our country through the port. Within 95 percent of the containers we don’t inspect, terrorists could launch an attack even more devastating than 9/11,

virtually in the same neighborhood. Terrorists could smuggle themselves, traditional weapons, chemical or biological weapons, or even nuclear weapons. We know about the availability of smaller, more compact, more deadly weapons that are being developed.

We have seen what happened in the past. In April 2005, security guards at the Port of Los Angeles found 28 human beings, Chinese nationals, who were smuggled into the country in two cargo containers. In October 2002, Italian authorities found a suspected Egyptian terrorist living in a shipping container en route to Canada. According to a news report at the time, he had a laptop computer, two cell phones, a Canadian passport, security passes for airports in three countries, a certificate identifying him as an airline mechanic, and airport maps. We can't let that happen.

We have screened all airline passengers for weapons, and we do it because Congress passed a strong law with clear deadlines. Of course, that forced the Bush administration to act. We need to screen all cargo containers for weapons. That is why we have to pass a strong law now.

Some in the industry and the administration say 100 percent screening cannot be done without crippling our economy. Let me tell my colleagues what would cripple commerce—that would be another terrorist attack. We lost 700 New Jerseyans and a total of over 3,000 people on 9/11. I don't want my State or anybody in our country to lose any more. This amendment will give us the tools and incentives we need to help prevent an attack on our ports, and it will help protect our economy and American lives.

I am proud to cosponsor the amendment and urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent to speak for up to 6 minutes prior to the recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 739 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 281 WITHDRAWN

Mr. BINGAMAN. Mr. President, prior to yielding the floor, I ask unanimous consent to withdraw my amendment, No. 281, to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is withdrawn.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 4 p.m.

Thereupon, the Senate, at 3:01 p.m., recessed until 4 p.m. and reassembled when called to order by the Presiding Officer (Ms. KLOBUCHAR).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I would ask to be notified in 8 minutes.

The PRESIDING OFFICER. The Senator will be notified.

(The remarks of Mr. SESSIONS are printed in today's RECORD under "Morning Business.")

IMPROVING AMERICA'S SECURITY ACT OF 2007—Continued

AMENDMENT NO. 298

Mr. LIEBERMAN. Madam President, at 4:45, there will be a vote on or in relation to the amendment offered by Senator SCHUMER and Senator MENENDEZ. I wish to explain very briefly—and Senator COLLINS will speak later—on why we did not include this provision in the committee bill.

This provision which Senators SCHUMER and MENENDEZ have offered mirrors the section of the House-passed 9/11 bill. It was not actually called for by the 9/11 Commission, specifically, but it obviously relates to security and our concern about nuclear weapons or dirty bombs coming in through the thousands of containers that enter our ports every day.

The reasons our committee in its deliberation in bringing this bill to the floor did not include language similar to the House bill is, first, the 9/11 Commission didn't ask for it, and most of what we have done, though not all, was included in that report; but, secondly, we acted last year in adopting the SAFE Port Act, enacted into law on October 13, 2006.

It does provide for a pilot program at three foreign ports to provide for the scanning of cargo containers by radiation detection monitors and x-ray devices required under this proposal. There will be a report coming 6 months after the end of that one year pilot program. Among other responsibilities dictated by the law, the Secretary of Homeland Security will be required to report not only on how the pilot program went, but when we will achieve the goal of which—reading from the law, section 232—"all containers entering the United States, before such containers arrive in the United States, shall as soon as possible be scanned using nonintrusive imaging equipment and radiation detection equipment."

In other words, existing law requires that we move—and I quote again—"as soon as possible to 100 percent scanning of all of the containers coming into the country." It requires the Secretary to report on how we are moving toward that goal, and when he thinks we can achieve it, every 6 months.

In my opinion, existing law has a 100-percent goal right now, with reporting every 6 months to the relevant committees. Senators SCHUMER and MENEN-

DEZ have asked that it occur within 5 years and actually give a 1-year waiver opportunity to the Secretary.

At this point, I say respectfully that this requirement is premature. I hope that under current law, "as soon as possible" will occur before 5 years time. To my friends who offer the amendment, if after the first 6-month report, due next April, or the second 6-month report, it looks like, based on what the Secretary reports, 100 percent scanning of containers coming into the country is to be much more delayed than I had hoped it would be, then I will join them in offering an amendment that will have a definite date by which 100 percent scanning should occur. It is for that reason that our committee did not include this section. We talked about it and decided not to include it—as it was in the House bill, because we think existing law does at least as good, and perhaps a better job. I will respectfully oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I know the time is divided equally. How much time does each side have?

The PRESIDING OFFICER. The Senator from New York has 16 minutes. The Senator from Connecticut has 7 minutes 21 seconds.

Mr. SCHUMER. Madam President, I have a great deal of respect for my colleague, and I know he cares a great deal about protecting our country. But with all due respect, I cannot stand here and say that the SAFE Port Act does enough. The SAFE Port Act says that 100 percent scanning must be imposed "as soon as possible." It might as well say whenever DHS feels like it.

For somebody like myself and my colleague from New Jersey and my colleague from New York, we have been waiting for DHS to do this "as soon as possible" for 4 years. We have been alerting DHS to this terrible potential tragedy we face—a nuclear weapon being smuggled into our harbors, a nuclear weapon exploding on a ship right off our harbors—for years. DHS just slow-walks it. Why?

Part of the reason is that they are never adequately funded, which is no fault of my colleague from Connecticut. But the administration does not like to spend money on anything domestic. They never put the adequate money into it. It is amazing to me that they will spend everything it takes to fight a war on terror overseas. Some of that is well spent and some, I argue, is not. Nonetheless, they spend it. They won't spend hardly a nickel, figuratively speaking, to protect us on defense at home. So the progress has been slow.

This is not the first time I have offered amendments to prod DHS to do more on nuclear detection devices, on port security. I don't know why anyone in this Chamber, faced with the potential tragedy that we have, would decide